

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02052

A. P. # 423-251-011-000

FINDINGS AND DECISION

In the matter of the application of
James J. Ashe (PLN990352)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 70314 New Pleyto Road, Bradley, south of Jolon Road and north of Lake San Antonio, South County area, came on regularly for hearing before the Planning Commission on August 28, 2002.

WHEREAS: Said proposal includes:

- 1) Minor Subdivision request to divide 10 acres into three parcels of 2.8, 3.5, and 3.6 acres respectively in the "HC" Heavy Commercial District;
- 2) a Use Permit for a boat repair facility, an agricultural processing plant for processing and packing, greenhouses, and a 1,500 sq. ft. Manufactured single family residence on Parcel 2 (per Code Sections 21.20.060F, R, and S), and
- 3) a General Development Plan, and

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The project proposed in this application consists of a minor subdivision and Combined Development Permit (PLN990352), as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, South County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 70314 New Pleyto Road, Bradley. The parcel is zoned "HC Heavy Commercial."

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The South County Area Plan
- b) Chapters 21.20, 21.64, 21.74 and 21.76 of the Monterey County Zoning Ordinance regulations for development.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the decision-making body.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development,

found in the project file.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 240 Church Street, Salinas. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on June 22, 2002, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Project Application / Plans for the Ashe Minor Subdivision, Use Permit and Development Plan Proposal
2. Technical Reports
 - a. Soils: Expansion Index Test. Mid-Coast Geotechnical Inc., August 25, 2000.
 - b. Percolation Data Report: Mid-Coast Geotechnical Inc., September 1, 2000.
 - c. Hydrological Report, Proposed Subdivision, APN 423-251-011, Monterey County, California. Cleath & Associates. September 6, 2001
 - d. Slope Density Map. Job No. 61-87, GLS Goetz Land Surveyors. August 27, 2001.
 - e. Geologic Hazards Report. Proposed Subdivision, APN 423-251-011, Monterey County, California. Cleath & Associates. December 5, 2000.

- f. Archaeology. Final Report on Archaeological Investigations at CA-MNT-1255, A Salinan Indian Quarry Site in Southern Monterey County, California. Archaeological Consulting. June 24, 1986.
 - g. Plan Review and Mitigation Recommendation for Assessor's Parcel 423-251-011, Southern Monterey County, California. Archaeological Consulting Inc. May 17, 2002.
1. Monterey County General Plan
 2. South County Land Use Plan
 3. Monterey Bay Unified Air Pollution Control District Web Site: www.mbuapcd.com. With follow-up telephone confirmations with Janet Brennan @ MBUAPCD.
 4. Monterey County Zoning Code Title 21 and Zoning Map.
 5. Plan Review and Mitigation Recommendation for Assessor's Parcel 423-251-011, Southern Monterey County, California. Archaeological Consulting. May 17, 2002.
 6. Referral Agency Comments
 7. Salinas Valley Solid Waste Authority website. www.svswwa.org

EVIDENCE: File and application materials; Initial Study with mitigation measures; additional supporting information from California Regional Water Quality Control Board, and the Monterey Bay Unified Air Pollution Control District which agencies, consultants' names and study types; and Negative Declaration contained in the project file.

1. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations, as native and non-native plant life and soils will be disturbed.

2. **FINDING:** That none of the findings found in Section 19.04.025.I of the Subdivision Ordinance can be made.

EVIDENCE: Section 19.04.025.I requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan and the applicable Area Plan. No specific plan has been prepared for this area. The site has been determined to be physically suitable for the type and density of development (see Evidence below). The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

EVIDENCE: The property provides for adequate building sites as evidenced by the application materials submitted for the site. Parcel 1 is relatively flat and encompasses 2.8 acres of useable area. Parcel 2 includes the development proposal described in the application materials and staff report, which includes satisfactory sites for buildings and structures. Parcel 3 is 3.6 acres in area, yet has more resource constraints than the other lots. Approximately ½ acre of the Parcel 3 would provide for a building site.

EVIDENCE: The application, plans, and support materials, including the seven technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The reports are:

- a. Soils: Expansion Index Test. Mid-Coast Geotechnical Inc., August 25, 2000.

- b. Percolation Data Report: Mid-Coast Geotechnical Inc., September 1, 2000.
- c. Hydrological Report, Proposed Subdivision, APN 423-251-011, Monterey County, California. Cleath & Associates. September 6, 2001
- d. Slope Density Map. Job No. 61-87, GLS Goetz Land Surveyors. August 27, 2001.
- e. Geologic Hazards Report. Proposed Subdivision, APN 423-251-011, Monterey County, California. Cleath & Associates. December 5, 2000.
- f. Archaeology. Final Report on Archaeological Investigations at CA-MNT-1255, A Salinan Indian Quarry Site in Southern Monterey County, California. Archaeological Consulting. June 24, 1986.
- g. Plan Review and Mitigation Recommendation for Assessor's Parcel 423-251-011, Southern Monterey County, California. Archaeological Consulting Inc. May 17, 2002.

The reports concluded the proposed development is suitable for the site, subject to recommendations for construction.

- EVIDENCE:** 1) The on-site inspection of the parcel by the project planner.
2) Maps and application contained in the project file.

10. **FINDING:** The project is appealable to the Planning Commission .

EVIDENCE: The Monterey County Subdivision Ordinance (Title 19).

11. **FINDING:** 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: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, California Department of Forestry, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: Adoption of the Negative Declaration includes mitigation measures that address potential impacts to Aesthetics, Cultural Resources, Hydrological / Water Quality, and Utilities and Service Systems. No other significant issues have been identified for the project.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

12. **FINDING:** The subject property is in compliance with all the 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: The subject property is currently vacant and undeveloped and there are no zoning violations recorded or pending to be resolved.

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit is a Combined Development Permit consisting of a Minor Subdivision request to divide 10 acres into three parcels of 2.8, 3.5, and 3.6 acres respectively in the HC Heavy Commercial District; a Use Permit for a boat repair facility, an agricultural processing plant for processing and packing, greenhouses, and a 1,500 sq. ft. manufactured single family residence on Parcel 2 (per Code Sections 21.20.060 F, R, and S), and a General Development Plan. The property is located at 70314 New Pleyto Road, Bradley (Assessor's Parcel Number: 423-251-011-000), south of Jolon Road and north of Lake San Antonio, South County area. 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 Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**
2. If the project includes boilers or internal combustion engines that would operate on diesel fuel, a diesel risk assessment should be undertaken. District staff is available to assist if such analysis is needed. **(MBUAPCD)**.
3. All present and future building and development of this/these parcels must comply with Monterey County Ordinance #3600 and South Monterey County Fire Protection District Ordinance #1999-01. **(Fire)**
4. No sprinklers are required for the greenhouses or the boat repair shop. A minimum 10,000 gallons of water for fire protection will be required. The tank, 4" supply line, hydrant and location shall comply with Monterey County Fire Protection Water tank Standards. **(Fire)**
5. Thirty days prior to expiration date of the tentative map, Step A (8-items) of the County Surveyor's Check Off List for Parcel Map Processing shall be completed. **(Public Works)**
6. Because of the possibility of previously unidentified cultural resources or burials being found during construction, the following standard language, or the equivalent, shall be included in any permits issued within the project area:

“If significant archaeological features or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigations shall be formulated and implemented. **(Planning and Building Inspection)**”

Prior to Filing the Parcel Map

7. The applicant shall record a notice which states: "A permit (Resolution 02052) was approved by the Planning Commission for Assessor's Parcel Number 423-251-011-000 on August 28, 2002. The permit was granted subject to **67** conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
8. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan including payment of the appropriate fee. **(Planning and Building Inspection)**
9. Since it appears that there will be a wastewater discharge, the California Water Code requires the project proponent to submit a Report of Waste Discharge with an accompanying technical report. This information will allow us to more fully evaluate potential impacts of the project. After submittal of the Report of Waste Discharge, the Regional Board will determine whether to propose waste discharge requirements or a waiver of waste discharge requirements.” **(CRWQCB)**
10. The developer shall cause to be prepared, Improvement Plans that incorporate the infrastructure and improvements required of the Tentative Parcel Map approval and the Conditions of the County as described herein and below – including the installation of a minimum 12’ wide all weather driveway with an appropriate turnaround at the end. Such plans shall be prepared by a licensed Civil Engineer and shall be submitted to the Public Works Department, Environmental Health Department, Water Resources Agency, and the Planning Department for review and approval. **(Planning and Building Inspection)**
11. The location of the water tank shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
12. Prior to filing the final (parcel) map, obtain a new water system permit from the Division of Environmental Health. **(Environmental Health)**
13. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation of water system improvements. **(Environmental Health)**
14. A notice shall be recorded on the deed for each lot that all new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance #3932, or as subsequently amended. **(Water Resources Agency)**
15. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall

require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**

16. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
17. Conditions of Approval from the Public Works Department are as follows:
 - a. The parcel map shall delineate all existing and required easements or rights of way and new lines shall be monumented.
 - b. Provide for all existing and required easements and rights of way.
 - c. Obtain an Encroachment Permit from the Department of Public Works and construct a commercial driveway to New Pleyto Road.
 - d. The 30' Road and Utility easement located along the northerly boundary shall be finished with an all-weather surface to a width as approved by the local Fire jurisdiction. **(Public Works)**
18. An easement shall be shown on the parcel map on Parcel 1 adjacent to New Pleyto road. This easement shall be for the purposes of providing a singular area for business identification for all three commercial parcels. The area attributed to this easement shall be in accordance with Section 21.60 of Title 21: Regulations for Signs. **(Planning and Building Inspection)**
19. Submit an updated map indicating the proposed septic envelope for Parcel 3 to the Division of Environmental Health for review and approval prior to filing the final/parcel map. Once approved, the septic envelope shall appear as part of the final/parcel map. **(Environmental Health)**
20. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275**. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection Department)**

Prior to Recordation of the Parcel Map:

21. The developer shall install the water system improvements including the secondary treatment system to and within the subdivision and any appurtenances needed prior to filing the final (parcel) map. **(Environmental Health)**
22. The applicant shall enter into a Mitigation Monitoring Agreement with the Director of Planning and Building Inspection, including payment of the \$840.00 fee for Monitoring. **(Planning and Building Inspection)**
23. Submit an updated map indicating the proposed septic envelope for Parcel 3 to the Division of Environmental Health for review and approval prior filing the final/parcel map. Once approved, the septic envelope shall appear as part of the final/parcel map. **(Environmental Health)**
24. Prior to recordation of the parcel map, a deed restriction shall be recorded with the Monterey County Recorder which states: "Two archaeological reports (dated June 24, 1986 and May 17, 2002) have been

prepared by Archaeological Consulting Inc., that apply to the subject property and are on record in the Monterey County Planning and Building Inspection Department. All development shall be in accordance with these reports.” **(Planning and Building Inspection)**

25. Prior to the conveyance of any lots in the subdivision, developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation pro rated on the basis of the remaining number of lots still owned by the developer. Developer’s obligation shall cease upon the conveyance of the last lot in the subdivision. An agreement to this effect, running with the land, shall be recorded between developer and the County of Monterey prior to recordation of the tentative or parcel map. **(Water Resources Agency)**
26. Requirements for the construction of offsite and onsite improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by a separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The statement shall include that “construction of improvements shall be required before a permit or other grant or approval for development may be issued.” All additional information, as described in Section 66434.2 of the Government Code, required to be filed or recorded with the parcel map shall include a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. **(Planning and Building Inspection)**
27. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.” This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
28. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code.” Such facilities shall be installed or bonded prior to filing the parcel map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
29. A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "A Soils Expansion Index Test, Percolation Data Report, Hydrological Report, Slope Density Map, Geologic Hazards Report and two archaeological reports, dated, August 25, 2000, September 1, 2000, September 6, 2000, August 27, 2001, December 5, 2000, June 24, 1986, and May 17, 2002 have been prepared on this property and are on file in the Monterey County Planning and Building Inspection Department.
- a. Soils: Expansion Index Test. Mid-Coast Geotechnical Inc., August 25, 2000.
 - b. Percolation Data Report: Mid-Coast Geotechnical Inc., September 1, 2000.
 - c. Hydrological Report, Proposed Subdivision, APN 423-251-011, Monterey County, California. Cleath & Associates. September 6, 2001

- d. Slope Density Map. Job No. 61-87, GLS Goetz Land Surveyors. August 27, 2001.
- e. Geologic Hazards Report. Proposed Subdivision, APN 423-251-011, Monterey County, California. Cleath & Associates. December 5, 2000.
- f. Archaeology. Final Report on Archaeological Investigations at CA-MNT-1255, A Salinan Indian Quarry Site in Southern Monterey County, California. Archaeological Consulting. June 24, 1986.
- g. Plan Review and Mitigation Recommendation for Assessor's Parcel 423-251-011, Southern Monterey County, California. Archaeological Consulting Inc. May 17, 2002.

The recommendations contained in these reports shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. **(Planning and Building Inspection; Public Works)**

- 30. A note shall be placed on the Parcel Map with the contents and obligations of **Mitigation Measure #1**: "In order to mitigate new sources of light or glare which would adversely affect nighttime views in the area, each and all of the proposed greenhouses shall be constructed with internal shading mechanisms." **(Planning and Building Inspection)**
- 31. A note shall be placed on the Parcel Map with the contents and obligations of **Mitigation Measure #2**: "In order to mitigate new sources of light or glare which would adversely affect nighttime views in the area, each and all of the greenhouses that operate during the nighttime hours with internal lighting, shall employ internal shading mechanisms that reduce and negate external evidence of the internal lighting." **(Planning and Building Inspection)**
- 32. A note shall be placed on the Parcel Map with the contents and obligations of **Mitigation Measure #3**: "In order to mitigate potential damages to significant archaeological resources from development of the project, the applicant shall contract with a Registered Professional Archaeologist to monitor all earth disturbance work on the project site (Parcels 1, 2 and 3)." **(Planning and Building Inspection)**
- 33. A note shall be placed on the Parcel Map with the contents and obligations of **Mitigation Measure #4**: "In order to mitigate potential impacts to ground water supplies or interfere substantially with ground water recharge, either 1) a stormwater detention pond shall be constructed on each parcel as it develops, or 2) a single storm water detention pond that serves the three lot subdivision shall be constructed."
- 34. A note shall be placed on the Parcel Map with the contents and obligations of **Mitigation Measure #5**: "In order to mitigate potential impacts to existing drainage patterns of the site and area by the construction of roads and driveways and impervious roof surfaces, the Drainage Plan shall incorporate appropriate measures to reduce potential erosion and siltation impacts to less than significant levels." **(Planning and Building Inspection)**
- 35. A note shall be placed on the Parcel Map with the contents and obligations of **Mitigation Measure #6**: "In order to mitigate potential impacts to existing drainage patterns of the site and area by the construction of roads and driveways and impervious roof surfaces, the Drainage Plan shall incorporate appropriate measures to reduce potential surface runoff impacts to less than significant levels." **(Planning and Building Inspection)**
- 36. A note shall be placed on the Parcel Map with the contents and obligations of **Mitigation Measure #7**: "In order to mitigate potential adverse environmental effects from the construction of storm water drainage facilities on each of the three parcels as they develop, the applicant shall implement the actions of Mitigation Measures 3." **(Planning and Building Inspection)**

37. A note shall be placed on the Parcel map that: “The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A commercial 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 materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
38. A note shall be placed on the Parcel map that: “A landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. **(Planning and Building Inspection Department)**
39. 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 Planning and Building Inspection. **(Planning and Building Inspection)**

Prior to the Installation of Improvements and Grading Activities

40. Prior to issuance of grading or building permits, the applicant shall enter into a contract with a Registered Professional Archaeologist and shall provide a copy of the fully executed contract to the Director of Planning and Building. The applicant shall submit a draft of the contract to the Director of Planning and Building Inspection for his review to ensure that the contract complies with the requirements set forth in this mitigation measure. This contract shall address the immediate development proposed for Parcel 2, and shall apply to the future development of Parcels 1 and 3, when such development proposals are later presented for review and approval. The contract shall contain at a minimum, the following provisions, duties and responsibilities:

A qualified archaeological monitor (Registered Professional Archaeologist) shall be present during soil disturbing activities, such as road and pad grading, foundation and septic excavation, utility trenching, etc. The monitor shall be empowered to temporarily halt construction to examine potentially significant archaeological resources or materials. If human remains are discovered, the Monterey County Coroner must be notified under the provisions of state law.

The monitor shall recover potentially significant archaeological materials from the project areas. Significant archaeological discoveries will be subject to analysis, which will include at a minimum, the following:

- a. At least 2 radio carbon dates shall be obtained if suitable materials are discovered;
- b. Professional analyses shall be conducted on other prehistoric materials, if adequate amounts are recovered; for instance, analysis of lithic artifacts and debitage, etc.
- c. If significant archaeological materials are discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated and appropriate mitigation measures formulated and implemented.

A final report detailing the results of all analyses shall be completed **within one year of completion of field work**. The report shall be submitted to the lead agency (County of Monterey Planning Department) and to the Regional Information Center at Sonoma State University. **MM #3 (Planning and Building Inspection)**

41. Prior to issuance of Grading Permits for any given Parcel 1, 2 or 3, the applicant shall contract with a registered civil engineer to prepare a drainage plan that addresses on-site and off site impacts and shall submit that plan for review and approval to the Water Resources Agency and Planning and Building Inspection Department. The plan shall include road improvements and subdivision detention facilities. The detention pond shall be fenced for public safety. **MM #4 (Planning and Building Inspection)**
42. Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing the improvements. **(Environmental Health)**
43. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts. The plan shall include road improvements and subdivision detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention pond shall be fenced for public safety. **(Water Resources Agency) MMRP #4.**
44. Prepare a revised General Development Plan exhibit that demonstrates appropriate parking areas for the commercial enterprise (8 spaces) as well as the Residential use (2 spaces w/one covered). Parking areas for boat trailers and the vehicles that pull them should be included. This revised exhibit shall also demonstrate full compliance with the site development standards of Section 21.20 Heavy Commercial.

Prior to Issuance of Building Permits

45. A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30% percent. Scenic easement deed to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits. **(Planning and Building Inspection Department)**
46. 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 hold the county harmless. **(Planning and Building Inspection Department)**
47. Prior to issuance of Building Permits for Greenhouses, the applicant shall submit structural greenhouse plans for Building Permit review that include internal shade mechanisms that will reduce and negate external evidence of internal lighting during nighttime hours of operations. **MM #1 (Planning and Building Inspection)**

48. Prior to the issuance of building permits, the applicant shall obtain a Waste Discharge Permit or a waiver of Waste Discharge Requirements from the California Regional Water Quality Control Board, Central Coast Region. A copy of the Waste Discharge Permit or a waiver of Waste Discharge Requirements shall be submitted to the Director of Environmental Health **(Environmental Health)**.
49. Prior to the issuance of building permits, the applicant shall submit a conceptual wastewater treatment and disposal plan for the project to the Division of Environmental Health for review and approval. **(Environmental Health)**
50. If it is determined that a treatment area for wastewater discharge is necessary, the applicant will be required to submit a revised General Development Plan exhibit to the Planning and Building Inspection Department that provides for such a wastewater treatment area to the satisfaction of the CRWQCB, Water Resources Agency and Environmental Health Department. **(Planning and Building Inspection)**
51. The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems. This shall be the responsibility of the developer if the developer is also the builder. If not, a notice shall be recorded on the deed for each lot to inform future builders of this requirement. **(Water Resources Agency)**
52. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection Department.)**
53. The parking layout and circulation shall be reviewed by the Director of Public Works. That the parking requirements shall meet the standards of Title 21 and be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or commencement of the approved use. **(Public Works; Planning and Building Inspection)**
54. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by 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 shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

Prior to Issuance of Building Occupancy for the Shop, Greenhouses or Residence

55. Certification that the stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency) MMRP #4**
56. Prior to Final Building Inspection / Occupancy, the applicant shall certify to the Water Resources Agency and the Planning and Building Inspection Departments that the storm detention facility (detention pond) for the given parcel has been constructed in accordance with approved plans. **MM #4 (Planning and Building Inspection)**
57. Interior fire sprinklers are required for the modular home. An approved system must be installed and inspected. **(Fire)**

58. The commercial use of the property is primary. Occupancy for the 1,500 sq.ft. single family residence will not be granted until such time as the 4,000 sq.ft. shop building has been cleared for occupancy and use. It is understood that the greenhouses may be constructed at a latter time. **(Planning and Building Inspection)**
59. Complete and install all improvements reviewed and approved in the Improvement Plans (Condition #6). **(Planning and Building Inspection)**
60. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A commercial 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 materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
61. A landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. **(Planning and Building Inspection Department)**

Continuous Permit Conditions

62. The greenhouse operator (applicant) shall assure that internal lighting used during nighttime operations is not externally evident. **MM#2 (Planning and Building Inspection)**
63. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
- a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**
64. No outdoor visible Recreational Vehicle storage is sanctioned with this approval. Normal customer parking and an appropriate time to transition large vessels and or trailers into the repair facility is expected and allowed. No single customer vessel or trailer shall remain out of doors for 7 days or more. **(Planning and Building Inspection)**
65. All repair work shall take place fully within the steel shop / boat repair building. **(Planning and Building Inspection)**
66. An approved 5-digit address is required to be posted in minimum 4" numbers at the intersection of the driveway and the county road. **(Fire)**

67. The property owner shall provide adequate access to the water tank site, subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**

PASSED AND ADOPTED this 28th day of August, 2002 by the following vote:

- AYES: Errea, Sanchez, Pitt-derdivanis, Brennan, Parsons, Diehl, Engell, Hernandez, Wilmot
- NOES: None
- ABSENT: None
- ABSTAIN: Hawkins

Original Signed By:

DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

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

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

NOTES

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

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

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

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