

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

RESOLUTION # 04007

A.P. # 125-291-001-000
125-621-017-000

In the matter of the application of
Cathrein Estates (PL990330)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of a Combined Development Permit (Cathrein Estates PLN990330) consisting of 1) a Standard Subdivision Vesting Tentative Map for the division of a 143 acre parcel into 28 residential lots ranging in size from 1.23 to 5.2 acres, and 3 open space parcels totaling 79 acres; 2) a Use Permit for an addition to a Mutual Water System, 3) a Use Permit for tree removal (156 Oak trees, including two over 24" diameter), and a Grading Permit for approximately 20,000 cubic yards of cut and 46,000 cubic yards of fill for roads and infrastructure. The property is located at the terminus of Pesante Road (Assessor's Parcel Number 125-291-001-000 and 125-621-017-000), southerly of the Hidden Canyon Ranch Subdivision and east of Crazy Horse Canyon Road, Prunedale area, came on regularly for meeting before the Planning Commission on February 25, 2004.

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 Combined Development Permit and Vesting Tentative Map request (**Cathrein Estates PLN990330**), as described in Condition #1, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at the terminus of Pesante Road (Assessor's Parcel Number 125-291-001-000 and 125-621-017-000), southerly of the Hidden Canyon Ranch Subdivision and east of Crazy Horse Canyon Road, Prunedale area. The parcel is zoned "RDR/5.1" (Rural Density Residential, 5.1 acre minimum.)

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

- a) The North County Area Plan.
- b) Chapters of the Monterey County Zoning Ordinance: 21.16 Regulations for Rural Density Residential Zoning District; 21.76 Combined Development Permits; 21.74 Use Permit for Mutual Water System modification; 21.64.260 Preservation of Oaks and Other Protected Trees;
- c) Chapter 19.05. Monterey County Code Title 19 Subdivision Ordinance

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 found in the project file.

2. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File# PLN0990330 in the Department of Planning and Building Inspection). All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Mitigation Monitoring and/or Reporting on Conditions of Approval (hereafter “the MMRP”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The MMRP is attached hereto as Exhibit “E” and is incorporated herein by reference. 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, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Coastal Offices of the Monterey County Planning and Building Inspection Department, located at 2620 1st Avenue, Marina is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

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.

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 December 11, 2003, 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:

- A. The Project Plans and Application Materials
- B. North County Area Plan
- C. Monterey County General Plan
- D. US Department of Agriculture, SCS, 1978. *Soil Survey of Monterey County, California*.
- E. Higgins Associates, March 29, 1999. Cathrein Acres Subdivision Traffic Analysis Report.
- F. Higgins Associates, October 27, 1999. Letter addendum to Traffic Analysis Report.
- G. Zander Associates, December 17, 1999. *Biological Resource Assessment, Cathrein Acres Project, Monterey County, California*.
- H. Zander Associates, March 1, 2000. *Addendum: Biological Resource Assessment, Cathrein Acres Project, Monterey County, California*.
- I. Landset, Inc., August 19, 1999 (and Addendum October 19, 1999). *Percolation Test Report: Cathrein Acres*.
- J. Monterey Bay Unified Air Pollution Control District, Revised August 1998. *CEQA Air Quality Guidelines*.
- K. Dan Takacs, May 2, 2000. Higgins Associates, personal communication.
- L. Stephen R. Staub, Registered Professional Forester, December 1999. *Forest Management Plan*.
- M. M. Jacobs & Associates, June 1992. Geotechnical Report.
- N. Soil Surveys, Inc., December 1979. Soils Report
- O. Wy'east Engineering, March 1999. *Hidden Canyon Ranch Water System: Engineer's Report*.
- P. LandSet Engineers, June 1, 1999. *Preliminary Drainage Study, Cathrein Acres*.
- Q. Steve Sakata, April 24, 2000. CALTRANS, personal communication.
- R. Mike Novo, May 3, 2000. Monterey County Planning, Associate Planner, Site Visit.
- S. Wy'east Engineering, January 10, 2000. *Cathrein Acres Water System: Engineer's Report*.
- T. Ed Schreck, May 3, 2000. Monterey County Environmental Health, personal communication.
- U. Michael Zander, May 9, 2000. Zander Associates, personal communication.
- V. Monterey County Planning Department, June 30, 1999. *Initial Study, Alta Loma Subdivision, PLN980541*.
- W. Ed Schreck, May 9, 2000. Monterey County Environmental Health, personal communication.
- X. Al Mulholland, May 11, 2000. Monterey County Water Resources Agency, personal communication.

- Y. Nicolas Papadakis, Association of Monterey Bay Area Governments, May 9, 2000. *Consistency Determination for Cathrein Acres Subdivision Project*.
- Z. AMBAG, October 1, 1997. *1997 Regional Population and Employment Forecast for Monterey, San Benito and Santa Cruz Counties*—Draft Final Report.
- AA. Bryce Hori, May 15, 2000. Monterey County Public Works Department, personal communication.
- BB. Landset Engineers, June 1, 2000. *Cathrein Acres Subdivision, PLN990330, Groundwater Recharge*.
- CC. Nicolas Papadakis, Association of Monterey Bay Area Governments, June 9, 2000. *Revised Consistency Determination for Cathrein Acres Subdivision Project*.
- DD. Geoconsultants, Inc., February 26, 2001. *Ground-water Assessment Proposed Cathrein Acres Project*.
- EE. Department of Fish and Game Letter, October 3, 2003. Review of Supplemental information for Mitigated Negative Declaration (SCH 2001101084)
- FF. Zander Associates, November 18, 2003. Review and response to October 3, 2003 Dept. of F & G Letter.
- GG. Taven M. Kinison Brown, November 20, 2003. Monterey County Planning, Associate Planner, Site Visit.
- HH. United States Department of the Interior: Fish and Wildlife Service. Letter dated November 20, 2001, Review of first circulation of the proposed Mitigated Negative Declaration (SCH 2001101084).
- II. Metadata for liquefaction for Monterey County. This layer is the product of a geologic data set produced by Lewis Rosenberg, CA State Certified geologist, under contract to the Monterey County General Plan Update team.

EVIDENCE: The Program for Mitigation Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: 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: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

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

3. **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. Implementation of the project described herein will affect changes to native and non-native plant life and soils, and the biological analyses identified potential impacts to wildlife and special status species.
- EVIDENCE:** Initial Study and Mitigated Negative Declaration contained in the project file.
4. **FINDING:** None of the findings found in Section 19.05.055 B of the Subdivision Ordinance can be made.
- EVIDENCE:** Section 19.05.055 B 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. 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, wildlife, or their habitat, or cause serious public health problems as demonstrated in the Mitigated 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.
- EVIDENCE:** The application, plans, and support materials, including the thirteen technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The reports are:
- A. Higgins Associates, March 29, 1999. Cathrein Acres Subdivision Traffic Analysis Report.
 - B. Higgins Associates, October 27, 1999. Letter addendum to Traffic Analysis Report.
 - C. Zander Associates, December 17, 1999. *Biological Resource Assessment, Cathrein Acres Project, Monterey County, California.*
 - D. Zander Associates, March 1, 2000. *Addendum: Biological Resource Assessment, Cathrein Acres Project, Monterey County, California.*
 - E. Landset, Inc., August 19, 1999 (and Addendum October 19, 1999). *Percolation Test Report: Cathrein Acres.*
 - F. Stephen R. Staub, Registered Professional Forester, December 1999. *Forest Management Plan.*
 - G. M. Jacobs & Associates, June 1992. Geotechnical Report.
 - H. Soil Surveys, Inc., December 1979. Soils Report

- I. Wyeast Engineering, March 1999. *Hidden Canyon Ranch Water System: Engineer's Report.*
- J. LandSet Engineers, June 1, 1999. *Preliminary Drainage Study, Cathrein Acres.*
- K. Wy'east Engineering, January 10, 2000. *Cathrein Acres Water System: Engineer's Report.*
- L. Landset Engineers, June 1, 2000. *Cathrein Acres Subdivision, PLN990330, Groundwater Recharge*
- M. Geoconsultants, Inc., February 26, 2001. *Ground-water Assessment Proposed Cathrein Acres Project.*

The reports concluded the proposed development is suitable for the site, subject to environmental protections/mitigations and recommendations for construction.

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

EVIDENCE: Maps (dated May 2003) and application materials contained in the project file.

EVIDENCE: See Evidence for Findings 1,2 and 5.

5. **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, North County Fire District, 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, Air Quality, Biological Resources, Geology and Soils, Hydrological / Water Quality, Land Use / Planning, Utilities and Service Systems and Cumulative Impacts for Traffic and Water Quality. 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.

6. **FINDING:** The subject property is in compliance with the rules and regulations pertaining 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 mostly vacant and undeveloped and there are no zoning violations recorded or pending to be resolved.

7. **FINDING:** Pursuant to Section 19.03.15. L, the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of the applicable health and safety regulations prior to approval of the vesting tentative map.
- EVIDENCE:** Monterey County Environmental Health Department Memorandum dated May 04, 2000 with a review and determination that, “the referenced application has proven an adequate water source for both quantity and quality”...subject to eight recommended conditions of approval.
- EVIDENCE:** Wy’east Engineering, March 1999. *Hidden Canyon Ranch Water System: Engineer’s Report*.
- EVIDENCE:** Wy’east Engineering, January 10, 2000. *Cathrein Acres Water System: Engineer’s Report*.
- EVIDENCE:** Conditions of Approval applied by the Environmental Health Department.
- EVIDENCE:** See Evidence for Finding #2.
8. **FINDING:** That in approving the final map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.
- EVIDENCE:** The applicant will be required to comply with the Inclusionary Housing Ordinance as a condition of approval.
9. **FINDING:** The recommended conditions regarding Inclusionary Housing, recreation requirements, and underground utilities have been applied to ensure that the health, safety, and welfare is preserved and protected.
- EVIDENCE:** Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance)
- EVIDENCE:** Section 19.12.010 of the Monterey County Code (Recreation Ordinance).
- EVIDENCE:** Section 19.10.095 of the Monterey County Code (underground utilities)
10. **FINDING:** The proposed tree removal is the minimum required under the circumstances of the case.
- EVIDENCE:** Numerous staff members have worked with the applicant for several years through plan revisions to lessen and reduce the proposed tree removal associated with development of the Cathrein Estates Subdivision.
- EVIDENCE:** Site visits by the project planner.
- EVIDENCE:** Materials in project File #PLN990330.
11. **FINDING:** Tree removal will not involve a risk of adverse environmental impacts.
- EVIDENCE:** The Forest Management Plan (Steven Staub) specifies environmental protections and measures that will be required of the project to lessen potential environmental impacts to less than significant levels, and these mitigations have been incorporated and required in the Conditions of Approval and MMRP documents.
- EVIDENCE:** A Tree Replacement Plan has been required as mitigation for proposed tree removal in conformance with Section 21.64.260 of the Zoning Code.
12. **FINDING:** The site is physically suitable for the use proposed.
- EVIDENCE:** Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building

Inspection Department, Water Resources Agency, and North County Fire District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.

EVIDENCE: See Findings 1,2, 4,10.

13. FINDING: The project is appealable to the Board of Supervisors.

EVIDENCE: The Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of the Planning Commission to adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approve said application for a Combined Development Permit as shown on the attached sketch and subject to the following conditions:

1. The subject Combined Development Permit (**Cathrein Estates PLN990330**) consists of: 1) a Standard Subdivision Vesting Tentative Map for the division of a 143 acre parcel into 28 residential lots ranging in size from 1.23 to 5.2 acres, and 3 open space parcels totaling 79 acres; 2) a Use Permit for an addition to a Mutual Water System, 3) a Use Permit for tree removal (156 Oak trees, including two over 24" diameter), and a Grading Permit for approximately 40,000 cubic yards of cut and fill for roads and infrastructure. The property is located at the terminus of Pesante Road (Assessor's Parcel Number 125-291-001-000 and 125-621-017-000), southerly of the Hidden Canyon Ranch Subdivision and east of Crazy Horse Canyon Road, Prunedale area.

The project is 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 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. In accordance with approval of the Cathrein Estates Subdivision and Combined Development Permit, all construction and improvements shall be in substantial conformance to the Vesting Tentative Map (Sheet 1 of 2) dated May 2003.
3. 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 within five days of project approval**, 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**)

4. The subdivider and subsequent property owners shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program adopted by the Planning Commission on February 26, 2004. **(Planning and Building Inspection)**
5. The applicant has a recreation credit which he intends to apply to this project. The credit is a part of Resolution 97-177. The Parks Department has no further conditions or requirements to be applied to the project. **(Parks)**
6. Annexation to Zone 9. Developer shall apply for annexation of the property to Zone 9 of the County Water Resources Agency. **(Water Resources Agency)**
7. All roads within this subdivision shall be private roads. **(Public Works)**
8. All proposed road names shall be approved by County Communications. **(Public Works)**

Prior to Filing and Recording a Final Map:

9. 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, or 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)**
10. A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent and shall be shown on the final map. The scenic easement deed is to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits. **(Planning and Building Inspection Department)**
11. The applicant shall record a notice that states: "A permit (Resolution 04007) was approved by the Planning Commission for Assessor's Parcel Number 125-291-001-000 and 125-621-017-000 on date February 26, 2004. The permit was granted subject to 49 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.” 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)**

12. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan, including payment of the \$9,648 fee for the County of Monterey to monitor compliance with mitigation measures (Fee for 31-40 measures). **(Planning and Building Inspection)**.
13. Design the water system improvements to meet the standards as found in Chapter 15.04 Title 17 and 22 California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit Engineered plans for the water system improvements and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) improvements. **(Environmental Health)**
14. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency (North County Fire District). 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 or bonding of water system improvements. **(Environmental Health)**
15. The Developer shall install or bond the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. The water improvements shall only be installed or bonded after the engineered designs have been approved by the Division of Environmental Health **(Environmental Health)**.
16. Obtain a new water system permit from the Division of Environmental Health prior to filing the final map. **(Environmental Health)**.
17. The applicant shall file deed notification concurrently with the filing of the final map stating that, “The water supply for this property may require on-site water treatment in order to meet secondary (aesthetic) drinking water standards. Water treatment units shall be regenerated off site unless otherwise approved by the Director of Environmental Health **(Environmental Health)**.”
18. Prior to filing the final map, submit engineered septic system designs for Lots 22, 23, 24, 28 (former lots # 5,6,7,10) and 5 through 18 and 20 (former lots # 11-23) for review and approval by the Director of Environmental Health. **(Environmental Health)**.
19. The applicant shall record a deed notification with the Monterey County Recorder for Lots 22, 23, 24, 28 (former lots # 5,6,7,10) and 5 through 18 and 20 (former lots # 11-23) concurrently with filing the final map indicating that, “An approved septic system design is on file at the Division of Environmental Health. File number PC990330 and any future development or expansion on this property shall be in compliance with the design and Chapter 15.20 MCC unless otherwise approved by the Director of Environmental Health” **(Environmental Health)**.

20. Drainage Plan. Prior to filing of the final map, a drainage plan shall be prepared by a registered civil engineer to address on-site and off-site impacts to include detention facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
21. Notice Of Water Conservation Requirements. Prior to filing of the final map, 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 Monterey County Water Resources Agency Ordinance #3539, or as subsequently amended. **(Water Resources Agency)**
22. Landscaping Requirements. 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. A notice shall be recorded on the deed for each lot prior to filing of the final map, to inform future builders of this requirement. **(Water Resources Agency)** Draft notices shall be submitted to the Planning and Building Inspection Department for review and approval prior to recordation. **(Planning and Building Inspection Department)**
23. A homeowners association shall be formed for road and drainage maintenance. **(Public Works)**
24. Homeowners Association. A homeowners association shall be formed for the maintenance of roads, drainage facilities, and open spaces. Documents for formation of association shall be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency, prior to filing of final map. C.C. & R.'s shall include provisions for a yearly report by a registered civil engineer, and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. **(Water Resources Agency)**
25. MCWRA Agreement: If the homeowner's association, after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance, or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect shall be entered into concurrent with the filing of the final map of the first phase of the subdivision. **(Water Resources Agency)**
26. CC&R's. Water Conservation Provisions. In accordance with Monterey County Water Resources Agency Water Conservation Ordinance No. 3932, or as subsequently amended, the CC&R's shall contain provisions that: all new construction incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; 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; leak repair is the property owner's responsibility; vehicle and building washing shall use hoses

equipped with shut off nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain. **(Water Resources Agency)**

27. The Subdivider shall submit three prints of the approved tentative map to utility companies. Utility companies shall submit their recommendation, if any, to the Public Works Director for all required easements. **(Public Works)**
28. The Subdivider shall pay for all maintenance and operation of private roads, fire hydrants, and storm drainage from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the Subdivision Improvement Agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. **(Public Works)**
29. All natural drainage channels shall be designated on the final map by easements labeled "Natural Drainage Easement." **(Public Works)**
30. A soils engineering report will be required before recording final maps. **(Public Works)**
31. That the Pesante Road Official Plan Line be shown on the final map. **(Public Works)**
32. Provide for emergency access to Pesante Road subject to the approval of the North County Fire District. **(Public Works)**
33. The applicant shall comply with the requirements of the Inclusionary Housing Ordinance, by payment of an in-lieu fee, or provision of an inclusionary unit, prior to filing of the final map. **(Planning and Building Inspection)**

Prior to Grading and Construction Activities Commencing:

34. Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. **(Public Works)**
35. That cut slopes not exceed 2 to 1 except as specifically approved in concurrence with the soils report. **(Public Works)**
36. Applicant shall submit roadway construction plans for approval to the North County Fire District prior to construction. **(Fire)**
37. Applicant shall submit water system plans for approval to North County Fire District prior to Construction. **(Fire)**
38. The water system shall be completed and installed prior to construction of combustible materials. **(Fire)**

39. Where cut or fills at property line exceed 5,' driveways shall be rough graded in when streets are rough graded, and positive drainage and erosion control provided. **(Public Works)**
40. That all graded areas of the street right of way be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following **(Public Works)**:
 - a) That the cut and fill slopes be stabilized.
 - b) Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a).
 - c) Type and amount of maintenance required to satisfy item (a).
41. The applicant shall call for a preconstruction meeting with the Public Works Department, Environmental Health Department, Water Resources Agency, Planning and Building Inspection Department and North County Fire District. Mitigation measures, infrastructure, construction phasing, construction practices, inspection schedules, as well as county and applicant expectations will be discussed. **(Planning and Building Inspection)**
42. The applicant shall call for a field inspection by the Planning Department to verify that all appropriate mitigation measures for tree protection and erosion control as specified in the Negative Declaration, MMRP and Conditions of Approval have been implemented. **(Planning and Building Inspection)**

Prior to Issuance of Building Permits

43. The applicant is required to request rezoning of Parcels A, B, & C to an Open Space designation.
44. Detention Pond. Prior to Issuance of Building Permits, a stormwater detention/sediment retention pond(s) shall be constructed in accordance with plans by a registered civil engineer and the pond shall be fenced for public safety. **(Water Resources Agency)**
45. Completion Certification. Prior to issuance of any building permits, the applicant shall provide to the Monterey County Water Resources Agency certification from a registered civil engineer that the drainage improvements including the stormwater detention facility have been constructed in accordance with approved plans. **(Water Resources Agency).**
46. Road, street and private signs required by this article shall be installed prior to final acceptance of road improvements by the reviewing fire authority **(Fire).**
47. 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. No general street lighting has been proposed or approved for this development. 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)**

48. 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 to Chapter 18.50, Residential, Commercial, and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. **(Planning and Building Inspection)**

Prior to Occupancy of the First Residential Unit:

49. 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 that road. **(Fire District)**

PASSED AND ADOPTED this 25th day of February, 2004, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Parsons, Salazar, Rochester, Wilmot
NOES: Vandevere, Diehl
ABSENT: None

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO 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 two years after the above date of granting thereof unless construction or use is started within this period.