

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

RESOLUTION NO. 05008

A. P. # 243-221-018-000
243-221-019-000
243-221-027-000

In the matter of the application of
California Coastal Conservancy (PLN020562)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat to repair 120 linear feet of a dirt access road destroyed during "El Nino" storms; a Coastal Development Permit for tree removal (8 Monterey pines <2" dbh); and a Coastal Development Permit for development on slopes of 30% or greater, including grading (336 cu. yds. cut and 267 cu. yds. fill). The project is located in Victorine Ranch, south of Malpasos Creek, east of Highway 1, Big Sur area, Coastal Zone, came on regularly for hearing before the Planning Commission on February 9, 2005.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY, & PUBLIC ACCESS** – The Combined Development Permit application consists of a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat to repair 120 linear feet of a dirt access road destroyed during the "El Niño" storms of 1998/99; a Coastal Development Permit for tree removal (8 Monterey pines <2" DBH); and a Coastal Development Permit for development on slopes of 30% or greater, including grading (336 cu. yds. of cut and 267 cu. yds. of fill). The parcel is designated as "WSC/40-D (CZ)" (*Watershed and Scenic Conservation*, 40 acres per unit, Design Control District, Coastal Zone), which conditionally allows development within 100 feet of environmentally sensitive habitat, native tree removal, and development on slopes of 30% or greater. The project described in the application and accompanying materials conforms to the plans, policies, requirements, and standards of the *Big Sur Coast Land Use Plan*, the *Regulations for Development in the Big Sur Coast Land Use Plan Area* (Coastal Implementation Plan, Part 3), Part 6 of the Coastal Implementation Plan (Appendices), and the Monterey County Zoning Ordinance (Title 20). The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and *Monterey County Local Coastal Program*, and does not interfere with any form of historic public use or trust rights (see Section 20.70.050.B.4 of Title 20). No access is required as part of the project as no substantial adverse impact on public coastal access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for conformity with the certified *Monterey County Local Coastal Program* and have determined that the project

is consistent as conditioned. Permit application, plans, and materials contained in Project File No. PLN020562.

(b) Project application with plans was recommended for approval by the Big Sur Coast Land Use Advisory Committee with a 3 to 0 vote in favor of the project proposal with two abstentions and two members absent; found in File No. PLN020562/Coastal Conservancy.

(c) The project planner conducted an onsite inspection on September 4, 2003, to verify that the project on the subject parcel conforms to the certified *Monterey County Local Coastal Program*.

(d) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. 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, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or constraints such as geologic or seismic hazard areas that would indicate the site is not suitable for the use proposed. Conditions of approval will ensure that the project is compatible with the long-term maintenance of the sensitive habitat onsite. The California Coastal Commission (CCC) submitted a letter to staff by electronic mail, dated December 7, 2004, in which concerns were raised regarding the processing of the application and about certain details of the project, all of which were considered by the Planning Commission. However, the CCC did not indicate that the site would not be suitable for the project.

(e) The subject property is not adjacent to the sea shore and is not described as an area where the Local Coastal Program requires access, according to Sections 20.70.050.B.4.c.i and ii.

2. FINDING: NOT WITHIN CRITICAL VIEWSHED – The topography and tree cover along Highway 1 in the area of Victorine Ranch are such that the access road area of the subject parcels lies entirely outside of the Critical Viewshed of Big Sur. Therefore, the proposed project will not impact the Critical Viewshed of Big Sur, consistent with Key Policy 3.2.1 of the *Big Sur Coast Land Use Plan*.

EVIDENCE: (a) Application materials including site plans in file no. PLN020562.
(b) Site visit by the project planner to the subject parcel and vicinity of Victorine Ranch on September 4, 2003.

3. FINDING: SLOPE WAIVER – The request for the proposed development to be located on slopes of 30% or greater is consistent with Section 20.145.140.A.4.a of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*, which allows development on slopes of 30% or greater where no alternatives exist that would allow the development to occur on slopes of less than 30% and/or where such development would better achieve the resource protection objectives and policies of the *Big Sur Coast Land Use Plan* and the development standards of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*.

EVIDENCE: (a) Due to the topography of the ravine where the access road was washed-out, there are no alternatives for repairing the road that would avoid development on slopes of 30% or greater.

(b) 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 Project File No. PLN020562.

4. FINDING: DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT – The project will impact environmentally sensitive habitat, including the removal or destruction of 300 sq. ft. of maritime chaparral habitat, 1,350 sq. ft. of wetland habitat, 300 sq. ft. of riparian habitat, 20 seacliff buckwheat plants, one Hooker’s manzanita, and 8 Monterey pine saplings (2 inches DBH). However, such impacts to environmentally sensitive habitat caused by the development will not be significant since conditions of approval ensure the successful long-term maintenance of the habitat through replanting as well as ongoing monitoring for at least five years. A reduction in the otherwise required 150-foot riparian setback is sufficient to protect the existing riparian vegetation from the impacts of the project for the same reason cited above. Also, the recommended mitigation measures of the biological survey have been considered by the Planning Commission and incorporated into the conditions of approval as found necessary by the Planning Commission in order to implement the land-use policies and regulations of the *Monterey County Local Coastal Program*, including Section 20.145.040 (Environmentally Sensitive Habitat Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*, and are hereby made conditions of project approval. Conveyance to the County of a Scenic and Conservation easement over all environmentally sensitive habitat areas on the parcels shall be required as a condition of approval for any development proposed on parcels containing environmentally sensitive habitats.

EVIDENCE: (a) Section 20.145.040 (Environmentally Sensitive Habitat Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*.
(b) 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 Project File No. PLN020562.
(c) Conditions 13 – 17, and 20, below.

5. FINDING: NATIVE TREE REMOVAL – The removal of 8 Monterey pine trees (2 inches DBH) is limited to that which necessary for the proposed development. These trees are not located in the riparian corridor onsite, and their removal will not expose structures to the Critical Viewshed. Pursuant to Section 20.145.060 (Forest Resources Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*, replacement planting for trees that are less than 12” DBH is not required.

EVIDENCE: (a) Section 20.145.060 (Forest Resources Development Standards) of the *Regulations for Development in the Big Sur Coast Land Use Plan Area*.
(b) 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 Project File No. PLN020562.

6. FINDING: CEQA - Pursuant to Section 15096 (Process for a Responsible Agency) of the CEQA guidelines, the County, as a Responsible Agency, has followed the process set forth in this section and as such has considered the Mitigated Negative Declaration prepared and adopted by the California State Coastal Conservancy as Lead Agency. The County finds

that there is no substantial evidence, based on the record as a whole, which would support a fair argument that the project, as designed and mitigated, may have a significant environmental impact. As a Responsible Agency the County of Monterey shall require that the applicant enter into a Mitigation Monitoring Agreement with the County so that it may ensure that all required mitigation measures are successfully fulfilled as described.

EVIDENCE: (a) The California State Coastal Conservancy (CSCC), as lead agency, oversaw the preparation of an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provides substantial evidence that the project, with the addition of Mitigation Measures, would not have significant environmental impacts. A Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the County Clerk on August 6, 2004, noticed for public review and circulated to the State Clearinghouse. All comments received on the Initial Study were considered and addressed by the CSCC. Among the studies, data, and reports analyzed as part of the environmental determination by both the CSCC and the Planning and Building Inspection Department are the following reports:

1. DD&A, Biological Assessment for a Proposed Road Repair Project on the Old Victorine Ranch, July 9, 2003.
 2. Stephen R. Staub Forester and Environmental Consultant, Forester's Assessment and Recommendation on Proposed Access Road Rehabilitation Project, June 26, 2003.
 3. D&M Consulting Engineers, Inc., Geotechnical Report for Access Road Restoration Victorine Ranch, May 14, 2003.
 4. DD&A, Erosion Control Plan Victorine Ranch Road Repair, June 30, 2003.
 5. Archaeological Consulting, Preliminary Cultural Resources Reconnaissance of a Portion of the Victorine Ranch, Carmel Highlands, Monterey County, California, October 15, 1988.
 6. Archaeological Consulting, Letter addressed to DD&A dated January 24, 2003.
 7. State Coastal Conservancy, Victorine Ranch Subdivision Initial Study and Negative Declaration, May 4, 1995.
 8. State Coastal Conservancy, Craven-Nation Property Disposition Plan, Resolution and Findings Adopted March 23, 2000.
 9. State Coastal Conservancy, draft Natural Resource Conservation and Public Access Easement, October 7, 2003.
- (b) Condition 8

7. FINDING: HEALTH AND WELFARE – The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the 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.

8. 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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property

9. FINDING: APPEALABILITY – The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

It is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 9th day of February, 2005, by the following vote:

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

DALE ELLIS, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Marina.

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

**Planning and Building Inspection Department
Condition Compliance & Mitigation Monitoring
and/or Reporting Plan**

Project Name: California State Coastal Conservancy
File No: PLN020562 **APNs:** 243-221-018-000, 243-221-019-000 and
243-221-027-000
Approval by: Planning Commission **Date:** February 9, 2005

**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. No.	Conditions of Approval and Responsible Land Use Department	Compliance 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>The subject permit approval allows a Combined Development Permit (PLN020562/Coastal Conservancy) consisting of a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat to repair 120 linear feet of a dirt access road, at 12 feet wide, destroyed during the "El Niño" storms of 1997/98; a Coastal Development Permit for tree removal (8 Monterey pines <2" DBH); and a Coastal Development Permit for development on slopes of 30% or greater, including grading (336 cu. yds. of cut and 267 cu. yds. of fill). The properties for which construction is proposed are located at Victorine Ranch, south of Malpaso Creek, east of Highway 1 (Assessor's Parcel Numbers 243-221-018-000, 243-221-019-000 and 243-221-027-000), Big Sur Coast LUP, Coastal Zone. 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 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)</p>	Adhere to conditions and uses specified in the permit.	Property owner	Ongoing unless otherwise stated	

2.	This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. (Planning and Building Inspection)	Vest project within two years or apply for a Permit Extension at least 30-days prior to expiration.	Owner	February 9, 2007	
3.	All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)	None	Owner	Ongoing	
4.	No land clearing or grading shall occur on the subject parcel between October 15 th and April 15 th unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	None	Owner	October 15 th to April 15 th	
5.	The applicant shall record a notice <u>on both parcels</u> which states: <i>“A permit (Resolution _____) was approved by the Planning Commission for Assessor’s Parcel Numbers 243-221-018-000, 243-221-019-000 and 243-221-027-000 on December 8, 2004. The permit was granted subject to 21 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.”</i> 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner	Prior to Issuance of Grading and Building Permits	

6.	<p>A. In order to maintain consistency with the intent of the requirements of Sections 20.145.030 & .040 of the <i>Regulations for Development in the Big Sur Coast Land Use Plan</i>, which require conveyance to the County of scenic & conservation easements over areas within the Critical Viewshed and with Environmentally Sensitive Habitat, the applicant shall provide the County with verification of implementation of the easement stipulations of the “Craven-Nation Property” Disposition/Implementation Plan, as adopted by the California State Coastal Commission on March 23, 2002. This disposition plan in part requires the conveyance of easements over Critical Viewshed and Environmentally Sensitive Habitat areas to the State on both “Craven-Nation” parcels (Assessor’s Parcel Numbers 243-221-019-000 & 243-211-017-000) as a condition of sale and consistent with the requirements of Sections 20.145.030 & .040 of the <i>Regulations for Development in the Big Sur Coast Land Use Plan</i>.</p>	<p>Provide the County with verification of implementation of the easement stipulations of the “Craven-Nation Property” Disposition/Implementation Plan, as adopted by the California State Coastal Commission on March 23, 2002, and consistent with the requirements of Sections 20.145.030 & .040 of the <i>Regulations for Development in the Big Sur Coast Land Use Plan</i>.</p>	Applicant	Upon sale of property	
	<p>B. Submit copies of the proposed Critical Viewshed and with Environmentally Sensitive Habitat easement maps to the Director of Planning and Building Inspection for review and comment prior to their conveyance to the State. (Planning and Building Inspection Department)</p>	<p>Provide copies of the proposed Critical Viewshed and with Environmentally Sensitive Habitat easement maps to the Director of Planning and Building Inspection for review and comment prior to their conveyance to the State.</p>	Applicant	Prior to conveyance of the easements to the State.	
7.	<p>Prior to the issuance of a building permit the applicant shall record a deed restriction on both parcels which states: “<i>The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.145.080.C of the Regulations for Development in the Big Sur Coast Land Use Plan and per the standards for development of residential property.</i>” (Planning and Building Inspection)</p>	<p>Submittal of approved and Recorded Deed Restriction to PBI.</p>	Owner	Prior to Issuance of Grading and Building Permits	

8.	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. (Planning and Building Inspection)	<ol style="list-style-type: none"> 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 issuance of grading and building permits, whichever occurs first.	
9.	The applicant shall submit Road Maintenance Plan, including performance criteria, to the Planning & Building Inspection Department and to the Water Resources Agency, subject to approval by the Directors of both agencies. (Planning and Building Inspection)	Submit Dirt Road Maintenance Plan to PBI	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
10.	The applicant shall record a deed restriction on both parcels which states that: "The Road Maintenance Plan approved by the Director of Planning & Building Inspection and the Director of the Water Resources Agency shall be carried out in good faith." (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
11.	The applicant shall provide the Water Resources Agency a road improvement plan prepared by a registered civil engineer that includes Best Management Practices for dispersing stormwater runoff onto a non-erodible surface. Improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered road improvement plan to the Water Resources Agency for review and approval.	Owner/ Engineer	Prior to Issuance of Grading and Building Permits	

12.	<p>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 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. (Planning and Building Inspection)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	Owner/ Archaeologist	Ongoing	
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Mitigation Measures and Monitoring Actions

13.	<p>MM-1. Site Restoration for Maritime Chaparral & Hooker's Manzanita A qualified biologist shall implement specific methods for replanting maritime chaparral that is disturbed prior to the road construction as described below:</p> <p>A. Prior to the initiation of construction activities a qualified biologist shall remove cuttings from existing maritime chaparral species (i.e., <i>Arctostaphylos sp.</i> and <i>Ceanothus sp.</i>) including the lone existing Hooker's manzanita (<i>Arctostaphylos hookeri</i>) in areas that will be impacted. Enough cuttings shall be collected to ensure appropriate replanting of three hundred square feet (.007 acre) at one foot center planting densities.</p> <p>B. These cuttings shall be cultivated either on- or offsite for the duration of the construction activities and until they are ready to be transplanted.</p> <p>C. The cultivated plants will be transplanted into areas that have been disturbed by construction activities. (Planning and Building Inspection)</p>	<p>MA-1. Site Restoration and Planting & Reporting Plan</p> <p>A. <i>Prior to issuance of grading or building permits</i>, the applicant shall submit a detailed restoration & planting plan with ongoing monitoring schedule prepared by a qualified biologist that addresses the requirements of Condition 12, which shall be subject to approval by the Director of Planning and Building Inspection.</p> <p>B. <i>Prior to issuance of grading or building permits</i>, the applicant shall submit the details of a long-term funding mechanism that will guarantee the successful implementation of habitat restoration, which shall be subject to approval by the Director of Planning and Building Inspection.</p> <p>C. <i>Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates:</i></p> <p>1. The chaparral area shall be monitored quarterly for the first year by a qualified biologist until such time as the success criteria detailed in the Restoration & Planting Plan can be verified. Monitoring shall then occur annually for four</p>	Owner/ Biologist	<p>A. Prior to issuance of grading or building permits.</p> <hr/> <p>B. Prior to issuance of grading or building permits.</p>	
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		<p>years from that point onward to ensure that the success criteria are maintained.</p> <p>2. After each inspection a report, subject to approval by the Director of Planning and Building Inspection, shall be submitted to the Planning and Building Inspection Department. The report shall quantify the state of the restoration and shall include photographic documentation, as well as recommendations for further maintenance and management that may be necessary for maintaining the success criteria detailed in the Restoration & Planting Plan. Recommendations made in each monitoring report that are approved by the Director shall be carried out as described in a timely manner. Verification of this follow-up maintenance and management shall be documented in follow-up reports subject to the approval of the Director of Planning and Building Inspection, and shall be submitted with 30 days of the end of such follow-up maintenance and management. Failure to successfully implement the recommendations of monitoring reports or to submit adequate reports in a timely manner shall cause the permit to fall out of compliance, which may give rise to the need for enforcement action.</p> <p>D. <i>Prior to completion of restoration planting</i>, the applicant shall implement the long-term funding mechanism as approved by the Director of Planning & Building Inspection.</p> <p>E. <i>Prior to final inspection</i>, the applicant shall submit a detailed report from a qualified biologist verifying that the requirements of Condition 12 have been successfully implemented. This report shall include photographic evidence and other documentation as necessary to clearly demonstrate successful compliance, and shall be subject to approval by the Director of Planning and Building Inspection.</p>		<p>C. Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates.</p> <p>D. Prior to completion of restoration planting</p> <p>E. Prior to final inspection</p>	
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14.	<p>MM-2. Wetland Habitat</p> <p>A. Site Restoration for the wetland habitat</p> <ol style="list-style-type: none"> 1. A qualified biologist shall implement specific methods for restoration and planting wetland areas that are disturbed prior to the road construction as described below. <ol style="list-style-type: none"> a. Prior to the initiation of construction activities a qualified biologist shall harvest existing wetland plant species including common rush (<i>Juncus effusus</i>), sickle-leaved rush (<i>J. falcatus</i>), and spreading rush (<i>J. patens</i>) that will be impacted. Enough plants shall be collected to ensure appropriate planting of one thousand three hundred and fifty square feet (.031 acre) at one foot center planting densities. b. The harvested plants shall be stored onsite for the duration of the construction activities and until they are ready to be transplanted. c. The stored plants will be transplanted into wetland areas that have been disturbed or created by construction activities. 	<p>MA-2. Site Restoration and Planting & Reporting Plan</p> <ol style="list-style-type: none"> A. <i>Prior to issuance of grading or building permits, the applicant shall submit a detailed restoration & planting plan with ongoing monitoring schedule prepared by a qualified biologist that addresses the requirements of Condition 13, which shall be subject to approval by the Director of Planning and Building Inspection.</i> B. <i>Prior to issuance of grading or building permits, the applicant shall submit the details of a long-term funding mechanism that will guarantee the successful implementation of habitat restoration, which shall be subject to approval by the Director of Planning and Building Inspection.</i> C. <i>Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates:</i> <ol style="list-style-type: none"> 1. The wetland area shall be monitored quarterly for the first year by a qualified biologist until such time as the success criteria detailed in the Restoration & Planting Plan can be verified. Monitoring shall then occur annually for four years from that point onward to ensure that the success criteria are maintained. 2. After each inspection a report, subject to approval by the Director of Planning and Building Inspection, shall be submitted to the Planning and Building Inspection Department. The report shall quantify the state of the 	Owner/ Biologist	<p>A. Prior to issuance of grading or building permits.</p> <hr/> <p>B. Prior to issuance of grading or building permits.</p>	
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		<p>restoration and shall include photographic documentation, as well as recommendations for further maintenance and management that may be necessary for maintaining the success criteria detailed in the Restoration & Planting Plan. Recommendations made in each monitoring report that are approved by the Director shall be carried out as described in a timely manner. Verification of this follow-up maintenance and management shall be documented in follow-up reports subject to the approval of the Director of Planning and Building Inspection, and shall be submitted with 30 days of the end of such follow-up maintenance and management. Failure to successfully implement the recommendations of monitoring reports or to submit adequate reports in a timely manner shall cause the permit to fall out of compliance, which may give rise to the need for enforcement action.</p> <p>D. <i>Prior to completion of restoration planting</i>, the applicant shall implement the long-term funding mechanism as approved by the Director of Planning & Building Inspection.</p> <p>E. <i>Prior to final inspection</i>, the applicant shall submit a detailed report from a qualified biologist verifying that the requirements of Condition 13 have been successfully implemented. This report shall include photographic evidence and other documentation as necessary to clearly demonstrate successful compliance, and shall be subject to approval by the Director of Planning and Building Inspection.</p>		<p>C. Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates.</p> <p>D. Prior to completion of restoration planting</p> <p>E. Prior to final inspection</p>	
	<p>B. The Army Corps of Engineers shall concur that the project mitigation is sufficient to be authorized under the Nationwide Permit prior to the initiation of construction activities. (Planning and Building Inspection)</p>	<p>Evidence of Army Corps of Engineers' concurrence shall include a signed letter authorizing the Nationwide Permit.</p>	<p>Owner</p>	<p>Prior to issuance of grading or building permits.</p>	

15.	<p>MM-3. Riparian Habitat</p> <p>A. Site Restoration for the riparian habitat</p> <ol style="list-style-type: none"> 1. A qualified biologist shall implement specific methods for restoration and planting riparian area that are disturbed prior to the road construction as described below. <ol style="list-style-type: none"> a. Prior to the initiation of construction activities a qualified biologist shall remove cuttings of riparian shrub species [i.e., Arroyo Willow (<i>Salix lasiolepis</i>)] that will be impacted as part of the project. Enough cuttings shall be collected to ensure appropriate replanting of three hundred square feet (.007 acre) at one foot center planting densities. b. The cuttings shall be stored onsite for the duration of the construction activities and until they are ready to be transplanted. c. The stored cuttings will be transplanted into riparian areas that have been disturbed or created by construction activities. 	<p>MA-3. Site Restoration and Planting & Reporting Plan</p> <ol style="list-style-type: none"> A. <i>Prior to issuance of grading or building permits, the applicant shall submit a detailed restoration & planting plan with ongoing monitoring schedule prepared by a qualified biologist that addresses the requirements of Condition 14, which shall be subject to approval by the Director of Planning and Building Inspection.</i> B. <i>Prior to issuance of grading or building permits, the applicant shall submit the details of a long-term funding mechanism that will guarantee the successful implementation of habitat restoration, which shall be subject to approval by the Director of Planning and Building Inspection.</i> C. <i>Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates:</i> <ol style="list-style-type: none"> 1. The riparian area shall be monitored quarterly for the first year by a qualified biologist until such time as the success criteria detailed in the Restoration & Planting Plan can be verified. Monitoring shall then occur annually for four years from that point onward to ensure that the success criteria are maintained. 2. After each inspection a report, subject to approval by the Director of Planning and 	Owner/ Biologist	A. Prior to issuance of grading or building permits.	B. Prior to issuance of grading or building permits.	
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		<p>Building Inspection, shall be submitted to the Planning and Building Inspection Department. The report shall quantify the state of the restoration and shall include photographic documentation, as well as recommendations for further maintenance and management that may be necessary for maintaining the success criteria detailed in the Restoration & Planting Plan. Recommendations made in each monitoring report that are approved by the Director shall be carried out as described in a timely manner. Verification of this follow-up maintenance and management shall be documented in follow-up reports subject to the approval of the Director of Planning and Building Inspection, and shall be submitted with 30 days of the end of such follow-up maintenance and management. Failure to successfully implement the recommendations of monitoring reports or to submit adequate reports in a timely manner shall cause the permit to fall out of compliance, which may give rise to the need for enforcement action.</p> <p>D. <i>Prior to completion of restoration planting</i>, the applicant shall implement the long-term funding mechanism as approved by the Director of Planning & Building Inspection.</p> <p>E. <i>Prior to final inspection</i>, the applicant shall submit a detailed report from a qualified biologist verifying that the requirements of Condition 14 have been successfully implemented. This report shall include photographic evidence and other documentation as necessary to clearly demonstrate successful compliance, and shall be subject to approval by the Director of Planning and Building Inspection.</p>		<p>C. Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates.</p> <hr/> <p>D. Prior to completion of restoration planting</p> <hr/> <p>E. Prior to final inspection</p>	
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	B. The California Department of Fish and Game (CDFG) shall concur that the project mitigation is sufficient to be authorized by a Streambed Alteration Agreement prior to the initiation of construction activities. (Planning and Building Inspection)	Evidence of CDFG concurrence shall include a signed letter authorizing the Streambed Alteration Agreement.	Owner	Prior to issuance of grading or building permits.	
16.	<p>MM-4. Sea cliff Buckwheat</p> <p>A. The Site Restoration for seacliff buckwheat.</p> <p>1. A qualified biologist shall implement specific methods for replanting seacliff buckwheat that is disturbed prior to the road construction as described below:</p> <p>a. Prior to the initiation of construction activities a qualified biologist shall harvest the seacliff buckwheat plants that will be impacted as part of the project.</p> <p>b. The plants shall be stored onsite for the duration of the construction activities and until they are ready to be transplanted.</p> <p>c. The stored plants will be transplanted into areas which are appropriate to sustain the plants that have been disturbed or created by construction activities</p>	<p>MA-4. Site Restoration and Planting & Reporting Plan</p> <p>A. <i>Prior to issuance of grading or building permits, the applicant shall submit a detailed restoration & planting plan with ongoing monitoring schedule prepared by a qualified biologist that addresses the requirements of Condition 15, which shall be subject to approval by the Director of Planning and Building Inspection.</i></p> <p>B. <i>Prior to issuance of grading or building permits, the applicant shall submit the details of a long-term funding mechanism that will guarantee the successful implementation of habitat restoration, which shall be subject to approval by the Director of Planning and Building Inspection.</i></p> <p>C. <i>Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates:</i></p> <p>1. The buckwheat area shall be monitored quarterly for the first year by a qualified biologist until such time as the success criteria detailed in the Restoration & Planting Plan can be verified. Monitoring shall then occur</p>	Owner/ Biologist	<p>A. Prior to issuance of grading or building permits.</p> <hr/> <p>B. Prior to issuance of grading or building permits.</p>	

		<p>annually for four years from that point onward to ensure that the success criteria are maintained.</p> <p>2. After each inspection a report, subject to approval by the Director of Planning and Building Inspection, shall be submitted to the Planning and Building Inspection Department. The report shall quantify the state of the restoration and shall include photographic documentation, as well as recommendations for further maintenance and management that may be necessary for maintaining the success criteria detailed in the Restoration & Planting Plan. Recommendations made in each monitoring report that are approved by the Director shall be carried out as described in a timely manner. Verification of this follow-up maintenance and management shall be documented in follow-up reports subject to the approval of the Director of Planning and Building Inspection, and shall be submitted with 30 days of the end of such follow-up maintenance and management. Failure to successfully implement the recommendations of monitoring reports or to submit adequate reports in a timely manner shall cause the permit to fall out of compliance, which may give rise to the need for enforcement action.</p> <p>D. <i>Prior to completion of restoration planting</i>, the applicant shall implement the long-term funding mechanism as approved by the Director of Planning & Building Inspection.</p> <p>E. <i>Prior to final inspection</i>, the applicant shall submit a detailed report from a qualified biologist verifying that the requirements of Condition 15 have been successfully implemented. This report shall include photographic evidence and other documentation as necessary to clearly demonstrate successful compliance, and shall be subject to approval by the Director of Planning and Building Inspection.</p>		<p>C. Quarterly for at least the first year following construction, and then annually for at least four years thereafter depending on ongoing success rates.</p> <p>D. Prior to completion of restoration planting</p> <p>E. Prior to final inspection</p>	
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	B. This document shall be reviewed by the United States Fish and Wildlife Service (Service) to obtain their concurrence that the project will not result in the take of federally listed species. (Planning and Building Inspection)	Evidence of Service concurrence shall include a signed letter verifying authorization that the project will not result in the take of federally listed species.	Owner	Prior to issuance of grading or building permits.	
17.	<p>MM-5. Monterey Pine Mitigation Measures for the double pine</p> <ol style="list-style-type: none"> 1. Prior to construction initiation, a qualified arborist shall ensure that the root system and trunk of the double pine at the existing road's outer edge will be protected from unnecessary disturbance and compaction by construction activities. No fill shall be allowed to rest in contact with the trunk of this tree or within its dripline; 2. Prior to construction initiation, a qualified arborist shall ensure that tree limbs interfering with equipment operation and passage are pruned in advance of road rehabilitation; and 3. Prior to construction initiation, a qualified arborist shall ensure that the bottom 8' of the tree's trunk is protected by wrapping it with protective materials sufficient to withstand inadvertent contact with machine buckets or blades. (Planning and Building Inspection) 	MA-5. Submit photographic evidence of tree protection to PBI for review and approval.	Owner/ Applicant/ Arborist	Prior to Issuance of Grading Permits	

18.	<p>MM-6. <i>In order to reduce the risk of geologic impacts to the road rehabilitation, the following measures shall be followed:</i></p> <p>A. Prior to removal of existing non-engineered road fills and their replacement with engineered fills, a grading permit must be issued. Whitson Engineers specified that all fill shall be compacted to a minimum of 90 percent relative compaction, based on ASTM test D1557, except that the upper six inches of all subgrade areas below future pavement sections. Other areas to receive improvements shall be compacted to a minimum of 95 percent relative compaction.</p> <p>B. If fill slopes steeper than 2H:1V are desired, fill reinforcement shall be used.</p> <p>C. Prior to the issuance of grading permits, localized flattening of cut slopes or use of earth retaining structures shall be designed by the engineer to accommodate both earth materials and groundwater conditions by retaining soils and controlling groundwater seepage. (Planning and Building Inspection)</p>	<p>MA-6. <i>Prior to the issuance of grading permits:</i> Planning and Building Inspection Department (PBID) staff shall review and verify that all grading plans bear the wet-seal stamp, date, and signature of a registered geologist or certified engineering geologist and a certified geotechnical engineer, indicating that the plans adequately incorporate the recommendations of these consulting professionals for reducing seismic-related impacts.</p>	<p>Owner/ Registered Geologist or Certified Engineering Geologist/ Geotechnical Engineer</p>	<p>Prior to issuance of grading permits.</p>	
19.	<p>MM-7. <i>In order to minimize on-site transport of soil by reducing soil disturbance an intercepting and capturing soils displaced from disturbed areas during construction, a Construction Erosion Control Plan shall be implemented.</i></p> <p>A. Grading and Drainage</p> <ol style="list-style-type: none"> 1. Mass grading operations shall be restricted to seasonal periods of minimal rainfall (April 15 -October 15). Where site-specific grading during the wet season is proposed, specific erosion control measures shall be implemented as authorized by the Director of Planning & Building Inspection and all work shall be in compliance with Section 16.12.090 of the Monterey County Erosion Control Ordinance. 2. Mass grading operations shall implement runoff capture and controlled release. If work is conducted during the dry season, it is unlikely that there will be any water in the drainage channel. If flow should be 	<p>MA-7. <i>Prior to the issuance of grading permits:</i></p> <p>A. Final design of erosion control features shall be reviewed by an Erosion Control Specialist prior to submitting an application for a grading permit.</p> <p>B. Training of the responsible individuals and contractors shall be a prerequisite to development construction within the Victorine Ranch project area. Heavy equipment operators, superintendents, and the designated inspector may receive special training by Erosion Control Specialists through such specialty organizations as the Soil and Water Conservation Society and the International Erosion Control Association. A minimum one-day training program shall be a prerequisite for all contractors and heavy equipment operators engaged on the project. Training of personnel shall include ongoing maintenance activities for revegetated areas, silt and debris basins,</p>	<p>Owner/ Erosion Control Specialist/ Contractor</p>	<p>Prior to issuance of grading permits and ongoing during construction</p>	

	<p>present, flow velocities shall be detained or filtered through the use of berms, straw wattles, sediment traps, and/or vegetative buffer strips to prevent the escape of sediment from the site. No access or grading shall be permitted while raining and vehicle movement on dirt roads shall be minimized during storm events.</p> <ol style="list-style-type: none"> 3. Excess outlet velocities from the new 36-inch drainage culvert shall be controlled through rock riprap protection and/or other energy dissipaters. Culvert discharges to the seasonal stream crossing shall occur at acute angles directing flows downstream and minimizing cross-current erosion of drainage banks. 4. A vegetative buffer "setback" from areas immediately outside of the project construction area shall be provided to minimize disturbance to existing drainage channel and stable soil/rock materials, protect the stream channel, and prohibit additional disturbance. 5. Silt fences shall be installed with stakes at a distance no more than six feet apart to ensure that the integrity of the fence is maintained. Environmental fencing and access control fencing around vegetative buffer areas shall be provided to ensure protection. Straw, jute netting and an appropriate revegetation method shall be used at completion of grading activities to stabilize soils. 6. Topsoil that is removed from disturbed areas shall be stockpiled and covered for finish grading and revegetation after construction activities are completed. Topsoil shall be reapplied except on slopes greater than 30 percent. Stockpiled topsoil shall not be compacted and shall be protected from loss with perimeter silt fencing and covering. <p>B. Roadways</p> <ol style="list-style-type: none"> 1. Cut slopes shall be as steep as practical for site-specific soil conditions. Where practical, surface flow above cuts shall be intercepted by swales, temporary berms, or drainage systems to minimize flow down cut slope faces, unnecessary erosion, and slope failures. 	<p>culverts, energy dissipaters, and other permanent features.</p> <p>C. Maintenance</p> <ol style="list-style-type: none"> 1. Maintenance inspections of BMP features during construction shall be conducted daily to ensure adequacy of control measures. Silt fencing, diversion ditches and temporary detention facilities shall be visually inspected at the end of each work day and following any significant rainfall event to identify and repair points of failure or poor performance. 2. Routine maintenance of permanent erosion control facilities shall be maintained for at least one year until permanent protection is established. All graded areas shall be inspected routinely throughout the rainy season to verify reestablishment of vegetation. Other inspections shall include: <ol style="list-style-type: none"> a. Inspection of culvert entrances, trash racks and removal of debris that may block flow. b. Inspection and repair of berms, silt fences, straw wattles and other control measures. Inspection shall ensure that the integrity of the erosion control measure is maintained and that flow is not bypassing the control measure through gaps or low points where material may have eroded, compacted, or collapsed. c. Inspection and repair of energy dissipaters, outlet rip-rap protection and surface stabilization on matting within drainage swale. d. Riparian areas shall be inspected for sediment loss, accumulation of brush, snags, and large woody debris. Such inspections shall be directed towards determination as to the stability of the debris and its contribution to erosion potential 		
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<p>2. When possible, fill slopes shall be track-walked with a crawler tractor or other method to compact the fill and minimize its erosion potential.</p> <p>3. Cut and fill slopes shall be initially planted with perennial native grasses at 40 pounds per acre and covered with sterile straw mulch to meet short-term erosion control needs. Long term planting shall be consistent with the Revegetation. Plan and include native grasses. Woven jute or excelsior matting shall be employed on steeper slopes to provide immediate stabilization.</p> <p>4. Roadway construction at the new drainage crossings location shall be preceded with culvert placement. Disturbance at the crossing should then be minimized.</p> <p>C. Dust Control</p> <p>1. Water trucks and/or temporary sprinkler systems shall be used to prevent dust from blowing from the site or onto adjacent native vegetation.</p> <p>2. Water trucks shall sprinkle all access roadways on a frequency necessary to preclude dust formation and transport. Air temperature, wind, and relative humidity shall be considered in determining the frequency of onsite and access road dust control watering.</p> <p>3. Provision of soil binders, watering, and revegetation of disturbed areas shall proceed as quickly as possible after disturbance. (Planning and Building Inspection)</p>	<p>within the seasonal stream channel. In most instances stable debris, about which the stream channel has reached equilibrium, will not detrimentally increase erosion and sedimentation; however, its removal may. Should newly deposited debris serve to dramatically alter flow paths and potential points of erosion, then its removal may be warranted. If new gullies are developing in drainage areas, additional sterile straw mulch shall be applied and tugged into the soil to increase erosion protection. Inspection of the area shall be conducted and if necessary, additional diversion ditches and protective measures shall be applied.</p> <p>D. Emergency Response</p> <p>An emergency erosion control response plan shall be developed to include:</p> <ol style="list-style-type: none"> 1. A listing of responsible parties and contact persons including owner's personnel, contractor's personnel and regulatory agency staff who would be contacted in the case of an emergency flood, slope failure, and related failure of erosion controls.. 2. A stockpile of emergency erosion control materials such as silt fencing, matting, and straw mulch shall be kept on-site for emergency use, if needed. 			
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20.	<p>MM-8. <i>In order to ensure the design of permanent drainage and erosion control features incorporate Best Management Practice's (BMP's) and meet long-term erosion control objectives for the project, the following Design Guidelines shall be implemented:</i></p> <p>A. Grading and drainage activities shall be designed to work with the prevailing topography to minimize total disturbance. Where drainage facilities are required, they shall be designed to safely pass anticipated flows yet minimize scour and deposition through erosion controls.</p> <ol style="list-style-type: none"> 1. A sound roadway design shall be implemented to minimize roadway cut and fill prisms while achieving an earthwork balance to the greatest extent practical. Spoils disposal shall be in areas not subject to erosion. 2. Increased roadway drainage shall be controlled through the use of vegetative swales, berms, check dam facilities, silt traps, and maintaining the culvert installation for control of flows and their related erosion/scour energy. Roadways shall be graded to "dip" at the culvert crossing so that flows are not redirected and damaging if the culvert becomes blocked. <p>B. Revegetation</p>	<p>MA-8.</p> <p>A. <i>During construction, the owner and contractor shall ensure strict compliance with Conditions 18 and 19.</i></p>	Owner/ Contractor/ Biologist	Ongoing during construc- tion and biologi- cal monitor- ing & reporting	
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	<p>1. The specific elements of the replanting and revegetation measures as described in Conditions 12 - 16, above, include specific methods for replanting graded areas, slopes, riparian, and potential wetland areas that are disturbed. In addition, success criteria, a five-year monitoring plan, adaptive management options if the success criteria are not met, and a long-term funding mechanism are specified. Upon implementing these measures, it is expected that the project site will support the same or more riparian habitat -after construction than it currently does. This is due to the design configuration of the road improvement, allowing inundation of the area behind (up stream) of the new road alignment.</p> <p>2. According to the erosion control and revegetation seed mixes, native species shall be used to meet the immediate vegetative establishment and long-term revegetation objectives, as well as replace habitat for important wildlife species (i.e. Smith's blue butterfly).</p> <p>3. Combine use of hydro mulch, soil stabilizers, erosion control matting, and other products and materials shall be used for immediate slope stabilization pending seed germination and vegetation establishment. Control matting, and/or other products shall be required in the disturbed swale and channel if vegetation is not established at the onset of the rain season, where potential flow velocities may be higher.</p> <p>4. Permanent vegetative buffers shall be provided in downslope areas. (Planning and Building Inspection)</p>	<p>B. <i>During biological monitoring</i>, the consulting biologist shall inspect site conditions for signs of erosion problems, and shall make recommendations for corrective measures in the monitoring reports submitted for review and approval by the Director of Planning and Building Inspection. Corrective measures approved by the Director shall be implemented in a timely manner. Verification of this follow-up maintenance and erosion-control management shall be documented in follow-up reports subject to the approval of the Director of Planning and Building Inspection, and shall be submitted with 30 days of the end of such follow-up maintenance and management. Failure to successfully implement the recommendations of monitoring reports or to submit adequate reports in a timely manner shall cause the permit to fall out of compliance, which may give rise to the need for enforcement action.</p>			
21.	<p>MM-9. <i>In order to minimize construction noise nuisance impacts, the contractor and project engineer shall:</i></p> <p>A. Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained, including trucks used to haul materials.</p> <p>B. Install superior intake and exhaust mufflers and engine</p>	<p>MA-9. During construction, the contractor shall implement and the applicant shall monitor the requirements of Condition 20.</p>	Owner/ Contractor	Ongoing during construction	

	<p>enclosure panels wherever possible on gas, diesel or pneumatic impact machines. Stationary noise sources shall be located at least 300 feet from occupied dwelling units unless noise reducing engine housing enclosures or noise screens are provided by the contractor.</p> <p>C. Restrict hours for use of construction equipment, such as 8 am to 6 pm, Monday through Friday.</p> <p>D. Eliminate unnecessary idling of machines when not in use.</p> <p>E. Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.</p> <p>(Planning and Building Inspection)</p>				
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