

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 13, 2006 9:15 A.M./P.M.	Agenda Item No.: 2
Project Description: Use Permit for the removal of 14 protected oak trees to allow the construction of a 1,472 square foot, one-story, single-family residence and a 616 square foot garage and approximately 974 cubic yards of grading; and new driveway on a ten-acre parcel.	
Project Location: 21444 Parrot Ranch Road, Carmel Valley	APN: 418-281-015-000
Planning File Number: PLN060271	Name: Verna S. O'Connell, Property Owner Sue Lombardo, Lombardo & Gillis, Agent
Plan Area: Cachagua Area Plan	Flagged and staked: No
Zoning Designation: : "RC/20" Resource Conservation	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning	

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (**Exhibit E**)
2. Approve the Use Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**)
3. Adopt a Mitigation Monitoring and/or Reporting Program (MMRP) (**Exhibit D**)
4. Consider a Fee Waiver Request (**Exhibit G**)

PROJECT OVERVIEW:

See Exhibit "B" Discussion

OTHER AGENCY INVOLVEMENT:

- ✓ Cachagua Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Monterey Bay Unified Air Pollution Control District

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

The project was referred to the Cachagua Land Use Advisory Committee meeting on December 4, 2006. Comments from the LUAC will be presented at the Planning Commission hearing.

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

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 December 4, 2006

cc: Planning Commission; Cachagua Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Robert Schubert, Acting Planning & Building Services Manager; Paula Bradley, Planner; Carol Allen, Senior Secretary; Verna S. O'Connell, Property Owner; Sue Lombardo Applicant/Agent; Planning File PLN060271.

Attachments: Exhibit A Project Data Sheet
Exhibit B Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval
Exhibit E Mitigated Negative Declaration
Exhibit F Assessor's Parcel Map, Vicinity Map
Exhibit G Fee Waiver Request
Exhibit H Site Plans

This report was reviewed by Bob Schubert, Acting Planning and Building Service Manager

EXHIBIT B

DISCUSSION

Project Description

The proposed project is a Use Permit for the removal of fourteen protected oak trees to allow the construction of a 1,472 square foot one-story, single-family residence, a 616 square foot two-car garage and new driveway. The ten-acre parcel is currently developed with a 2,400 square foot barn/shop and a gravel driveway. The project was sited to avoid the removal of protected trees, particularly larger oaks as confirmed by the arborist in the Forest Management Plan (Exhibit E). Approximately 974 cubic yards of grading is needed to prepare a level building site for the pre-manufactured home installation, and construction of the garage and driveway. Access would be provided to the site via a new driveway off an existing private driveway off Parrot Ranch Road that currently serves the existing barn.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared to assess any potential adverse environmental impacts from the project, and was circulated on November 6, 2006 with the public review period ending December 5, 2006. The Initial Study/Mitigated Negative Declaration identified mitigation measures to assure a less than significant impact to the environment for biological resources. Prior to the close of the public review period for the Initial Study, December 5, 2006, staff received a comment letter stating “no comment” from the Monterey Bay Unified Air Pollution Control District (MBUAPCD).

Setting

The parcel is in the Monterey County Cachagua Area Plan (see Exhibit F) and the land use and zoning designations are Resource Conservation, 20 acres per unit (“RC/20”). The Resource Conservation district allows limited development in more remote mountainous areas while protecting the resources of the area. Development is allowed that does not have an adverse affect and is subordinate to the resources of the particular area. The ten-acre property is surrounded by other parcels zoned Resource Conservation of ten or more acres in size. To the west the zoning and land use designation is Rural Grazing. Land use in the vicinity is rural with sparse residential development. The project site includes slopes varying from 10 to 51 percent and the project site is approximately 10% slope. To south and west, the irregularly shaped parcel slopes downward into a remote densely forested area. The building pad and driveway are located on a small knoll in a flatter area of the parcel closer to the existing road and services. The project is consistent with the development standards for the Resource Conservation district. Standard conditions of approval are required for the project to obtain the approval of a landscaping and an exterior lighting plan.

Biological Resources

The property consists primarily of coast live oak woodland habitat and is densely forested with an estimated 1,500 oaks. The proposed tree removal is 1% of the overall tree resources on the parcel. Tree sizes proposed to be removed range from four to thirty-inches in diameter, measured two-feet above grade. With the implementation of the Forest Management Plan, the proposed project would not only be consistent with local polices and ordinances regarding tree removal, but would reduce impacts to the sensitive natural community. Proposed Mitigation Measure #2 would ensure that potential tree removal impacts are reduced to a less than significant level. The arborist does not recommend replacement of trees on a 1:1 ratio as required by the County tree preservation ordinance (Section 21.64.260) as there is little room or need for replacement trees. The arborist concluded that there is adequate regeneration of all of the oaks and other species to

ensure a continued forest and recommends in lieu of tree replacement, that the native regeneration areas shall be encouraged and protected where tree cover is desired (Mitigation Measure No. 2).

A Biological Assessment Letter-Report for the Proposed O'Connell Residence was completed by Denise Duffy & Associates, Inc., dated July 14, 2006 (Library No. 060383). The report concluded that as a result of the site assessment, no special-status plants or species were identified in the project area. The only regulated wildlife species potentially impacted by the proposed project are nesting birds (including raptors). The area supports trees and potential nesting habitat for raptors or other birds protected under the Migratory Bird Treaty Act. With the implementation of Mitigation Measure No. 1 (MM-1) which requires conducting a preconstruction survey, any potential impacts to nesting avian species would be reduced to a less than significant level. Recommendations have been incorporated into the project as conditions and mitigation measures. The biologist concurs with the arborists approach and recommendations and concerning tree removal.

Conclusion

The project is a modest-sized pre-manufactured single family home and garage (total 2,088 square feet) on a ten-acre parcel in a sparsely developed rural area. The project was sited to minimize environmental impacts to the surrounding natural environment. With the incorporation of conditions and mitigation measures as part of the project, any potentially significant impacts are reduced to less than significant.

Fee Waiver Request

The owner has requested a waiver of fees for the Initial Study (\$6,198.54) The fee waiver request was submitted to the Interim Director of Planning. The fee waiver was not approved by the Director as the justification does not conform to the Fee waiver policy approved by the Board of Supervisors (attached in Exhibit G). Specifically, the justification stated that the applicant disputed Staff's determination that the installation of the manufactured home and tree removal was a project under CEQA, and that the project should be considered categorically exempt. CEQA Section 15378(a) defines a project as: "Project" means the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment. CEQA Section 15304, Minor Alterations to Land, Class 4, excludes the removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Monterey County Zoning Code Chapter 21.64.260(D)(3) states that the removal of more than three protected trees is subject to the requirements of the CEQA. The biological assessment identified potential adverse impact to avian species and recommended a preconstruction survey for nesting avian species. This recommendation is a "mitigation" to avoid a potential adverse environmental impact and can only be required as a mitigation measure as it is not a County adopted policy or standard condition.

The applicant paid the required fee and appealed the Director's decision to the Planning Commission. Additionally, the applicant has requested waiver of the Mitigation Monitoring fee (\$5,234 for one to ten mitigation monitoring measures). If the Planning Commission decides to grant the waiver request: 1) a condition could be added to refund the Initial Study fee paid; and 2) Condition No. 8, Subsection 2 "Compliance or Monitoring Actions to be performed" the Mitigation Monitoring fee could be deleted.

Background

The project originated as an application for a grading permit and a building permit. As part of the plan check and departmental referral process prior to issuance of the permits, the project was referred to the Planning Department for approval of a Use Permit for the removal of 14 protected

oak trees. Planning staff determined that the project was not categorically exempt from CEQA and an Initial Study and Draft Mitigated Negative Declaration was prepared. Based on the arborists report and the biological assessment report required for the project, two mitigation measures were identified to reduce any potential adverse environmental impacts to less than significant.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Cachagua Area Plan and Cachagua Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for limited development in more remote mountainous areas while protecting the resources of the area.
EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
(b) The project planner conducted a site inspection on 6/08/06 to verify that the project on the subject parcel conforms to the plans listed above.
(c) The parcel is one of four lots in Volume 6 Parcel Maps page 76 (Planning File MS73150) which allowed the division of approximately 40 acres (Assessor's Parcel Number 418-281-015-000) into four parcels. The subject parcel is one of these sixteen parcels and is determined to be a legal lot.
(d) The project was referred to the Cachagua Land Use Advisory Committee meeting on December 4, 2006.
(e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN060271.
2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.
EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning, Cachagua Fire Protection District, Public Works, Environmental Health Division, and the Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
(b) Technical reports by an outside Arborist, Biologist, and Registered Professional Engineering consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 1. A Geotechnical Soils-Foundation & Geoseismic Report, was prepared by GRICE Engineering, Inc., dated April 2006, and is on record in the Monterey County Planning and Building Inspection Department (Library No. 060382). The report concluded that the site is suitable for the proposed use provided the recommendations set forth in the report are incorporated into the design considerations and project plans specifications.
 3. A Forest Management Plan was prepared for this parcel by Forest City Consulting (Matt Horowitz) dated April 3, 2006, and is on record in the Monterey County RMA-Planning Department (Library No. 060338). Recommendations have been incorporated into the project as conditions.

4. A Biological Assessment Letter-Report for the Proposed O'Connell Residence, was prepared by Denise Duffy & Associates, Inc., dated July 14, 2006, and is on record in the Monterey County Planning and Building Inspection Department (Library No. 060383). Recommendations have been incorporated into the project as conditions and mitigation measures.

(c) The property is located at 21444 Parrot Ranch Road, Carmel Valley (Assessor's Parcel Number 418-281-015-000), Cachagua Area Plan.

(d) Staff conducted a site inspection on 6/08/06 to verify that the site is suitable for this use. The parcel is zoned Resource Conservation ("RC"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(d) Materials in Project File PLN060271.

3. FINDING: **CEQA.** The proposed project will not have a potentially significant adverse impact on the environment. A Mitigated Negative Declaration has been prepared and is on file (File No. PLN060271) in the Planning Department. Mitigation measures identified in the Initial Study and Mitigated Negative Declaration required to avoid potential significant effects to the environment have been incorporated into the approved project or as conditions of approval. A Condition Compliance and Mitigation Monitoring Reporting Plan (hereafter "the MMRP") has been prepared pursuant to Public Resources Code 21081.6 and is required as a condition of approval. The MMRP 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 Monterey County Planning Department, located at 168 West Alisal Street, 2nd Floor, Salinas 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:

(a) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development, found in the project file.

(b) With assistance by County Consultant Rincon Consultants of Paso Robles, California, County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on November 6, 2006, and noticed for public review. All comments received on the Initial Study/Mitigated Negative Declaration have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff

reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Project Application and Plans (dated June 22, 2006).
2. Interdepartmental Review Agency Comments.
3. Mitigation Measure No. 1 to assure less than significant impact to nesting avian species.
4. Mitigation Measure No. 2 to assure less than significant impact to protected trees.
5. 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.
6. 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.
7. Studies, data and reports prepared by staff from various County departments including the Planning Department, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigated Negative Declaration for the project.

4. FINDING: FISH AND GAME FEES – Filing of Notice of Determination. 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:**
- (a) 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.
 - (b) Initial Study and Mitigated Negative Declaration contained in the project file.
 - (c) Evidence in Finding No. 3 above.

5. FINDING: CONSISTENCY –TREE ORDINANCE - The Project, as conditioned is consistent with applicable plans and policies, the Monterey County Zoning Ordinance (Title 21), Section 21.64.260, Preservation of Oaks and Protected Trees.

- EVIDENCE:**
- (a) The tree removal is the minimum required for the development. The fourteen protected trees proposed to be removed vary in size from six to 23 inches in diameter. The applicant sited the structures to minimize protected tree removal and removal of larger oaks. The site is densely forested with oaks and the proposed tree removal is estimated to be 1% of the total oaks on the ten-acre parcel. The arborist does not recommend replacement of trees on a 1:1 ratio as required by the County Tree Protection Ordinance (Section 21.64.260) as there is little room or need

for replacement trees. There is adequate regeneration of all of the oaks and other species to ensure a continued forest which should be encouraged. The arborist recommends in lieu of tree replacement that the native regeneration areas shall be encouraged and protected where tree cover is desired (Mitigation Measure No. 2).

- (b) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots, and on-site consultation by a qualified arborist.
- (c) The removal will not have an adverse risk of environmental impacts to soil, erosion, water quality, ecological impacts, noise, air movement or wildlife habitat. The development is low-intensity and covers less than 1% of the parcel. The development is low-intensity and covers less than 1% of the parcel. Oaks near the construction area are required to be protected and preserved.
- (d) Staff conducted a site inspection on 6/08/06 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN060271.

6. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Resource Management Agency - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

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

EVIDENCE: Preceding findings and supporting evidence.

8. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040 (D) Monterey County Zoning Ordinance Title 21.

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: O’Connell File No: PLN060271 Approved by: Planning Commission	APN: 418-281-015-000 Date: 12/13/2006
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PBD029 - SPECIFIC USES ONLY Use Permit for the removal of 14 protected oak trees to allow the construction of a 1,472 square foot, one-story, single-family residence and 616 square foot garage and approximately 974 cubic yards of grading; and new driveway on a ten-acre parcel. The property is located at 21444 Parrot Ranch Road, Carmel Valley (Assessor's Parcel Number 418-281-015-000), Cachagua Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation 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. (Resource Management Agency (RMA) – Planning)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. _____) was approved by the Planning Commission for Assessor's Parcel Number 418-281-015-000 on December 13, 2006. The permit was granted subject to 15 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (Resource Management Agency (RMA) – Planning)</p>	Proof of recordation of this notice shall be furnished to RMA - Planning.	Owner/ Applicant	Prior to issuance of grading and building permits	
3.		<p>PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:</p> <ol style="list-style-type: none"> 1. "A Geotechnical Soils-Foundation & Geoseismic Report has been prepared for proposed parcel by GRICE Engineering, Inc. dated April 2006, and is on record in the Monterey County Planning and Building Inspection Department, Library No. 060382. All development shall be in accordance with this report". 2. "A Forest Management Plan was prepared for this parcel by Forest City Consulting (Matt Horowitz) dated April 3, 2006, and is on record in the Monterey County Planning and Building Inspection Department Library No. 060338. All development shall be in accordance with this report". 3. "A Biological Assessment Letter-Report for the Proposed O'Connell Residence was prepared for the parcel, by Denise Duffy & Associates, Inc., dated 	Proof of recordation of this notice shall be furnished to the Director of Planning.	Owner/ Applicant	Prior to issuance of grading and building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		July 14, 2006, and is on record in the Monterey County Planning Department Library No. 060383. All development shall be in accordance with this report." (Resource Management Agency (RMA) – Planning)				
4.		PBD030 - STOP WORK - RESOURCES FOUND 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. (Resource Management Agency (RMA) – Planning)	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.	Owner/ Applicant/ Archaeologist	Ongoing	
5.		PBD011 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Planning Director. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion during the course of	1) Evidence of compliance with the Erosion Control Plan shall be submitted to Director of Planning prior to issuance of building and grading permits.	Owner/ Applicant	Prior to issuance of Grading and Building Permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. (Resource Management Agency (RMA) – Planning)	2) Evidence of compliance with the Implementation Schedule shall be submitted to the Planning Department during the course of construction until project completion as approved by the Planning Department.	Owner/ Applicant	Prior to final inspection	
6.		PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Planning Director. (Resource Management Agency (RMA) – Planning)	None	Owner/ Applicant	Ongoing	
7.		PBD012 - FISH AND GAME FEE-NEG DEC/EIR 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, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (Resource Management Agency (RMA) – Planning)	The applicant shall submit a check for \$1,275, payable to the <i>County of Monterey</i> , to the Director of Planning.	Owner/ Applicant	Within 5 working days of project approval	
8.		PBD022 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations.	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	Owner/ Applicant	Within 60 days after project approval or prior to issuance of grading	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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. (Resource Management Agency (RMA) – Planning)	agreement. (Fees for less than 10 mitigation measures are approximately \$5,234.)		and building permits, whichever occurs first.	
9.		PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Resource Management Agency (RMA) – Planning)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	

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10.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
11.		PBD001 – NONSTANDARD - TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Resource Management Agency (RMA) – Planning)	<ol style="list-style-type: none"> 1. Submit evidence of tree protection to Planning Director for review and approval. 2. The arborist’s recommendations for protection of retained trees pages 6-7 of the Forest Management Plan, by Forest City Consulting (Matt Horowitz) dated April 3, 2006, (Library No. 060338) shall be included as a note on the grading and building plans. 	Owner/ Applicant	Prior to issuance of grading or building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
12.		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
13.		<p>WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)</p>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
14.	MM-1	<p>MITIGATION MEASURE #1 (NESTING): Revised: In order to avoid impacts to nesting raptors and other avian species, which could result in take that is prohibited under CDFG Code 3503 and 3503.5 and the federal Migratory Bird Treaty Act, construction activities should be conducted outside of the peak breeding season (August 1 to February 15). If</p>	A qualified biologist shall perform a preconstruction survey for nesting raptors.	Owner/ Applicant	Prior to issuance of building permit	

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		<p>construction is to be initiated between February 15 and August 1, a pre-construction survey should be conducted for nesting avian species (including raptors) within 300 feet of proposed construction activities. If nesting raptors (or any other nesting birds) are identified during pre-construction surveys, an appropriate buffer, to be determined by a County-approved biologist in coordination with the California Department of Fish and Game, should be imposed within which no construction activities or disturbance should take place. In addition, when nests are identified, work may only proceed prior to August 1st if a County-approved biologist conducts periodic nest checks and confirms that the nest is no longer active (i.e. the young have fledged) and work re-initiation has been specifically authorized by the appropriate regulatory agency. (Resource Management Agency (RMA) – Planning)</p>				
15.	MM-2	<p>MITIGATION MEASURE #2 (NATURAL RECRUITMENT OF OAKS): Require native regeneration as specified in the project Forest Management Plan (FMP) and protection of retained trees and implementation of other measures specified in the FMP (Forest City Consulting, April 2006). This includes not removing young trees during the clearing activities, controlling invasive vegetation, and not disturbing small “islands” of natural vegetation. (Resource Management Agency (RMA) – Planning)</p>	<p>Native oak regeneration as specified in the Forest Management Plan shall be submitted on the Landscape Plans for approval by the Planning Department.</p>	Owner/ Applicant	Prior to issuance of building permit, ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		Note: There are no fire conditions required for this Use Permit for tree removal. Cachagua Fire District conditions are required for the grading and building permits.				