

MONTEREY COUNTY PLANNING COMMISSION

Meeting: August 29, 2007 @ 9:05 am	Agenda Item No.:
Project Description: (Carlsen Estates: PLN000196) A Combined Development Permit consisting of: 1) A Standard Subdivision Vesting Tentative Map for the division of three parcels totaling approximately 96.37-acres into 38 residential lots ranging in size from 1.01 acres to 16.37 acres; and 2) A Use Permit for removal of approximately 449 oaks over 6 inches in diameter; and 3) A Use Permit for the expansion of a public water system; and Grading of approximately 7,700 cubic yards (4,000 cubic yards cut and 3,700 cubic yards fill).	
Project Location: 60 and 80 Carlsen Road, southerly of Berta Canyon Road, east of U.S. Highway 101, Prunedale.	APN: 125-051-005-000, 125-051-008-000, and 125-051-017-000
Planning File Number: PLN000196	Name: PACO, LLC, Property Owner
Plan Area: North County Non-Coastal Area	Flagged and staked: No
Zoning Designation: : LDR/2.5 [Low Density Residential, 2.5 acres per unit]	
CEQA: Environmental Impact Report	
Department: RMA - Planning Department	

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Certify the Final Environmental Impact Report;
2. Approve the Combined Development Permit for the Carlsen Estates Project configured as Reduced Project Alternative B, based on the Findings and Evidence in **Exhibit C**, subject to the recommended Conditions of Approval in **Exhibit D**; and
3. Adopt the Mitigation Monitoring and Reporting Program in **Exhibit D**.

OVERVIEW OF PROPOSED ACTION

The applicant is requesting to develop the 96.37-acre residential project as described above and herein. The project was previously heard by the Planning Commission in July and August of 1999. On August 11, 1999 the Planning Commission required that an Environmental Impact Report be prepared. The Subdivision Committee reviewed this item on October 12, 2007, December 14, 2007, January 11, 2007 and February 22, 2007. Staff and the Subdivision Committee recommend approval of Reduced Project Alternative B (26 lots) that is approximately 1/3 less dense than the applicant's 38 lot proposal. Reduced Project Alternative B allows for greater protection of sensitive resources while balancing the needs of many competing interests in keeping with the California Environmental Quality Act (CEQA).

OTHER AGENCY INVOLVEMENT

- | | |
|---------------------------------|------------------------------|
| ✓ Water Resources Agency | ✓ Parks Department |
| ✓ Environmental Health Division | ✓ North County Fire District |
| ✓ Public Works Department | ✓ Housing and Redevelopment |
| ✓ Monterey County Sheriff | ✓ Caltrans |
| ✓ Subdivision Committee | ✓ Code Enforcement |

The above checked agencies and departments have reviewed this project. Conditions recommended by Water Resources Agency, Parks, Division of Environmental Health, Housing and Redevelopment, RMA - Planning Department and the North County Fire Protection District have been incorporated into the condition compliance reporting plan.

The project was reviewed by the North County Non-Coastal Land Use Advisory Committee (LUAC) on May 3, 2000. The LUAC recommended “non-approval” of the project by a vote of 3-1 with two members absent and two members abstaining. Members felt the submission was premature and that an EIR should be completed prior to review. There were concerns that the project must provide fire lanes to Manzanita Estates and Grey Eagle Estates. Recreation trails were mentioned in the minutes.

Note: This project is appealable to the Board of Supervisor’s per Section 21.80.040 D.

Taven M. Kinison Brown, Senior Planner
August 22, 2007

cc: Planning Commission Members; County Counsel; Health Department; Public Works; Water Resources Agency; Parks Department, Housing and Redevelopment, North County Fire District; Alana Knaster; Mike Novo; Laura Lawrence; Taven M. Kinison Brown; Bob Schubert; Linda Rotharmel; Carol Allen; Applicant William Coffee; Representative John Bridges.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval & Mitigation Monitoring Reporting Plan
	Exhibit E	Subdivision Committee Resolution
	Exhibit F	Comment Letters and E-mails received
	Exhibit G	Vesting Tentative Map

This report was reviewed by Laura Lawrence _____, Acting Planning and Building Services Manager.

(Exhibit A)
Project Information for PLN000196

Project Title: CARLSEN ESTATES	Primary APN: 125-051-005-000-M
Location: 60 & 80 CARLSEN RD SALINAS	Coastal Zone: No
Applicable Plan: North County Area Plan	Zoning: LDR/2.5
Permit Type: Combined Development Permit,	Plan Designation: Residential, Low Dens
Environmental Status: Environmental Impact Report Prepared	Final Action Deadline (884): 4/13/1811
Advisory Committee: North County (Inland)	

Project Site Data:

Lot Size: 1---16+	Coverage Allowed: 25%
Existing Structures (sf): 2 Homes	Coverage Proposed: n/a
Proposed Structures (sf): n/a	Height Allowed: 30 feet
Total Sq. Ft.:	Height Proposed: n/a
	FAR Allowed: n/a
	FAR Proposed: n/a

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes	Erosion Hazard Zone: High
Biological Report #: Several	Soils Report #: Several
Forest Management Rpt. #: 33-03-046	
Archaeological Sensitivity Zone: Low	Geologic Hazard Zone: IV and II
Archaeological Report #: 03/26/2002	Geologic Report #: 24-07-17
Fire Hazard Zone: High	Traffic Report #: 05-13-005

Other Information:

Water Source: Public	Sewage Disposal (method): Septic
Water Dist/Co: PSMCSD	Sewer District Name: n/a
Fire District: North County	Grading (cubic yds.): 7,700.0
Tree Removal: 449 oaks	

EXHIBIT B

DISCUSSION

SETTING AND PROJECT DESCRIPTION

The project site is located south of Berta Canyon Road in Prunedale, approximately eight miles north of Salinas. The project site is accessed via Berta Canyon Road, approximately one-quarter mile east of U.S. Highway 101. The project site may also be reached from U.S. Highway 101 and Highway 156 by way of Vierra Canyon and Oak Roads. Unpaved Carlsen Road runs through the interior of the project. The project area is in a west-trending valley rimmed by north and south facing slopes ranging from relatively flat to 60%. The south facing slope of the valley is located on gentle slopes generally less than 20%. The north-facing slope of the valley is comprised of steeper slopes generally ranging from 20-60%. The terrain includes moderate to dense vegetation, oak woodlands, maritime chaparral, and grassland.

The Berta Canyon and Carlsen Road areas include rural, low-density development, consisting of single family homes on large lots or acreage. Grazing and equestrian facilities are also prevalent. The roads have no curbs, there are generally no markings on the pavement, and there are no street lights.

The project site includes three existing parcels with a total area of 96.37 acres. Two of the existing parcels are developed with residences and the third is vacant. While 35 new residential lots will be created with approval of the proposed subdivision, 36 lots in total may be developed with new residences. The majority of the building envelopes are proposed on the south facing slopes less than 20%. The assessor's parcel numbers for the site are 125-051-017-000 (the western parcel), 125-051-005-000 (the middle parcel), and 125-051-008-000 (the eastern parcel). The western parcel is approximately 26 acres, the middle parcel is approximately 36 acres, and the eastern parcel is approximately 34.5 acres. A parcel under different ownership separates the middle and eastern parcels and is not part of the proposed project.

The Carlsen Estates proposal is a Combined Development Permit request consisting of:

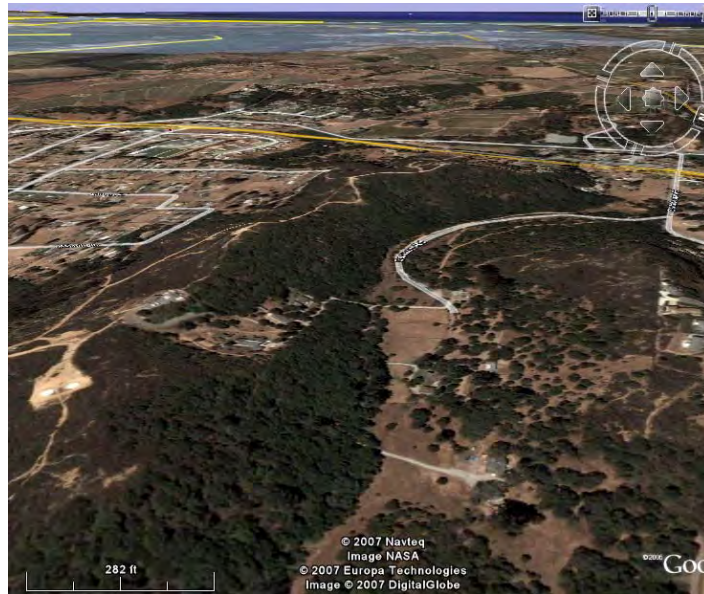
- 1) A Standard Subdivision Vesting Tentative Map for the division of three parcels totaling approximately 96.37-acres into 38 residential lots ranging in size from 1.01 acres to 16.37 acres; and
- 2) A Use Permit for removal of approximately 449 oaks over 6 inches in diameter; and
- 3) A Use Permit for the expansion of a public water system; and
- 4) Grading of approximately 7,700 cubic yards (4,000 yds.³ cut and 3,700 yds.³ of fill).

Outstanding from 1999 to the present has been resolution of the Code Enforcement case CE990063 on the subject property. This case had two parts: one relating to the water storage tanks on the southern portion of the eastern parcel and the other relating to unpermitted additions (in 2004) to the single family residence also on the eastern parcel. Both of these issues have now been addressed by the applicant and Code Enforcement staff; see the Discussion that follows.

Aerial View of Project Site Area
(Credit: Google Earth)



Aerial View of Project Site and Vicinity, East to West
(Credit: Google Earth)



Representative Photos from the Site (September 2006)

Entering from Berta Canyon



Carlsen Road (Easement)



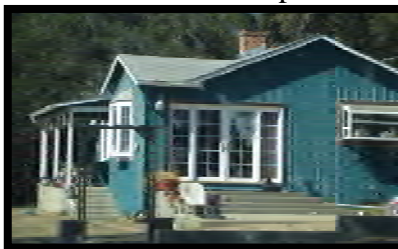
Proposed road veers left



Representative closed canopy



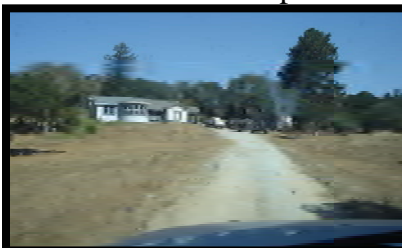
House on central parcel



Center property (view South)



House on eastern parcel



Representative closed canopy



Representative closed canopy



ENVIRONMENTAL REVIEW

Draft Environmental Impact Report

In accordance with the California Environmental Quality Act (CEQA) and the direction of the Monterey County Planning Commission August 11, 1999, a Draft EIR was prepared to assess the potential adverse environmental impacts from the project. The Draft EIR was circulated November 1, 2004 and the public review period ended December 23, 2004. The issues analyzed in the Draft EIR include land use, traffic and circulation, aesthetics/visual quality, vegetation and wildlife biological resources, archaeological/historical resources, noise, air quality, soils and geology, hydrology/water quality, water resources, recreation/parks, public services and utilities. Mitigation measures are proposed to mitigate project impacts to less than significant levels. (See Table 2.0-1 in the FEIR for a summary of impacts and mitigation measures.)

Release of the Final Environmental Impact Report

On December 5, 2006, staff received the electronic version of the Final EIR and Mitigation Monitoring Reporting Program and hard copy of the Final EIR was delivered on December 6, 2006. Staff prepared a Notice of Completion for distribution to the State Clearinghouse December 6, 2006 and prepared a Notice of Availability to be sent to all known concerned parties advising of the availability of the document. Hard copy Final EIRs have been sent to all involved agencies and all persons and groups who commented on the Draft Environmental Impact Report and an electronic version was made available on the Planning Department's website. A CD copy of the FEIR was previously sent to each Planning Commissioner. Discs of both the Draft EIR and (duplicate) Final EIR have been included with each of the ten Planning Commissioner packets for this report.

Summary of the FEIR

Drawing from the Revised Summary of the Final EIR, there are three tiers of potential environmental impacts as discussed in the document: 1) Effects Found to be Less Than Significant, 2) Significant Environmental Impacts and Mitigation, and 3) Significant Unavoidable Impacts.

Effects Found to be Less than Significant Based on the analysis in the DEIR, the project would have less than significant impacts in the following areas: Land Use; Light and Glare; Long Term Noise Effects; Regional Air Pollution; Public Services (police, fire, solid waste, school, and park facilities); and Population / Jobs / Housing.

Significant Environmental Impacts and Mitigation Based on the analysis in the DEIR, the project would have significant impacts in the following areas: Geology/Soils; Surface Hydrology/Water Quality; Biological Resources; Cultural Resources; Aesthetic/Visual Resources; Project and Cumulative Traffic/Circulation; Construction Noise and Air Quality; Water Supply; and Recreational Facilities. Table 2.0-1 of the DEIR summarizes the significant environmental impacts of the proposed project, together with mitigation identified in the DEIR and FEIR. A detailed discussion of the environmental setting, impacts, and mitigation is provided in the main body of the DEIR.

Significant Unavoidable Impacts A significant and unavoidable adverse impact is one that could or would cause a substantial adverse change in the environment and cannot be avoided if the project is implemented. The FEIR document concludes that all potential environmental impacts can be mitigated to levels that are less than environmentally significant or are found to be less than significant not requiring mitigation. No significant unavoidable impacts were identified.

Discussion of Project Alternatives

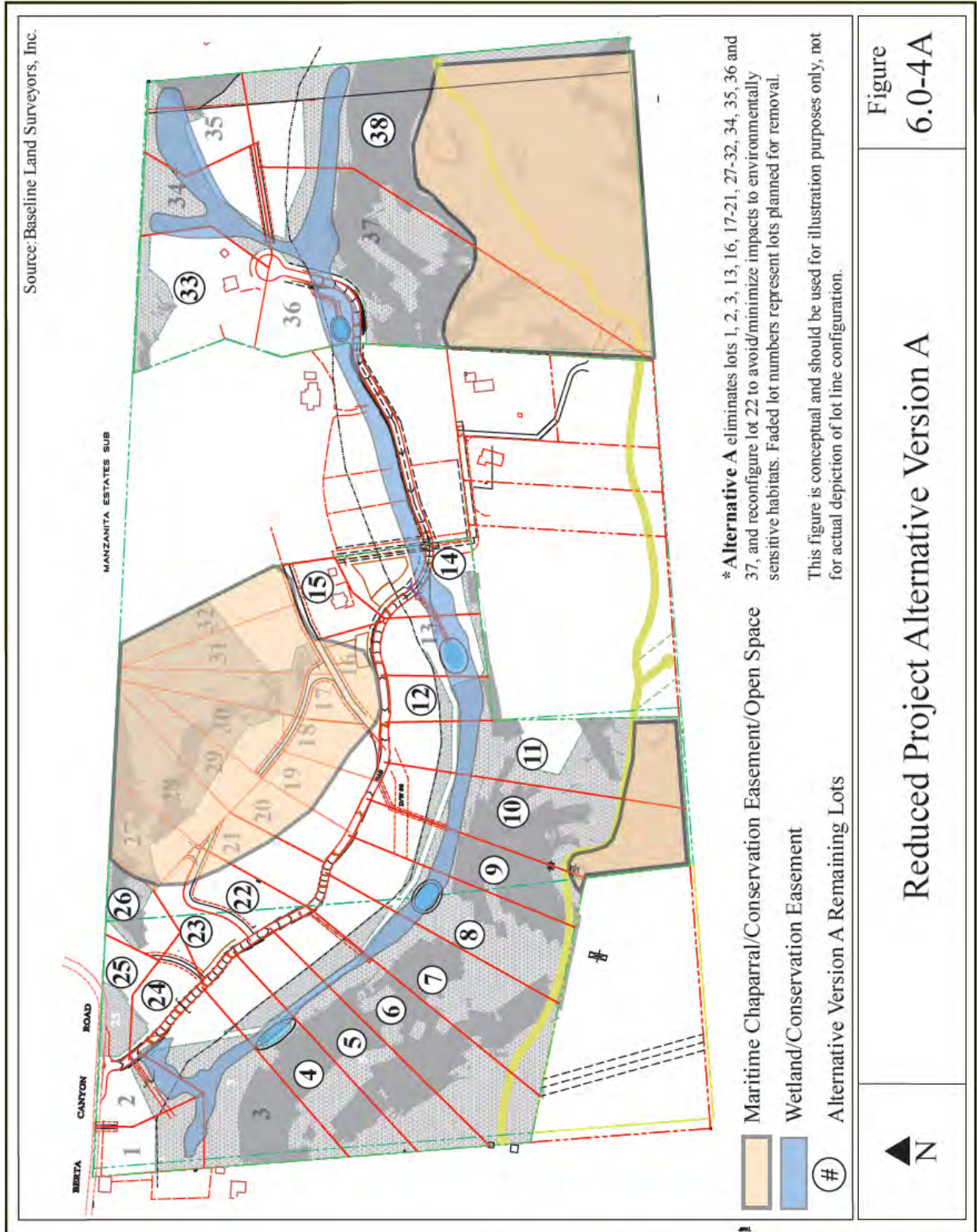
To further the purposes of public disclosure and to assist the lead agency in making an informed decision on the project, the California Environmental Quality Act (CEQA) requires a discussion of Project Alternatives. As presented in the Final EIR, there are three alternatives discussed in addition to the applicant's proposal, the No Project Alternative, the Modified Project Alternative, and the Reduced Project Alternative (A) and (B). In compliance with CEQA, there is also a discussion of which alternative is the Environmentally Superior Alternative.

No Project The No Project (i.e., no build) Alternative consists of maintaining the project site in its existing condition. No development would occur on the site, and the existing habitat areas would remain undisturbed. Under this alternative, both the potentially adverse and beneficial effects of the project would be avoided.

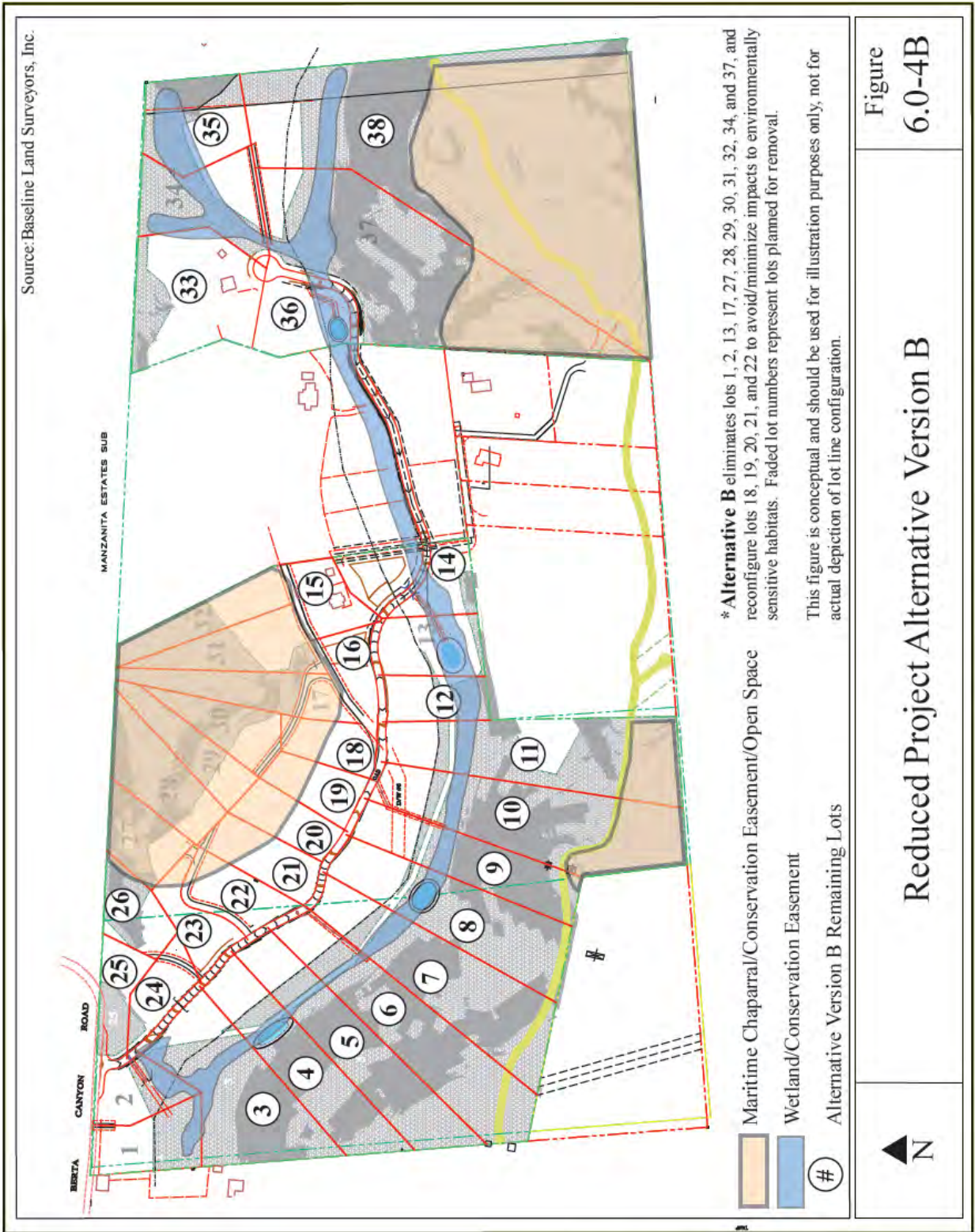
Modified Design Alternative The Modified Design Alternative consists of clustering housing to avoid existing sensitive habitats on the site by planning for townhouses on the central and west portions of the site, in the area that is generally bound by the wetlands to the south and maritime chaparral to the north. This Alternative also eliminates development on the east portion of the site to further avoid disturbance of wetlands. This Alternative would avoid impacts of the project on existing sensitive biological resources and generally decrease impacts by reducing the extent of development. This alternative would not meet the applicant's objective of providing residential lots, but it would provide residential development in a clustered design as opposed to detached single family residences on larger lots. This alternative does not decrease service requirements and could increase visual and sewer impacts. In addition, it may require rezoning.

Reduced Project Alternative(s) The Reduced Project Alternatives consist of redesigning the project and eliminating lots to avoid sensitive habitat. Two alternative designs for reduced projects are described in the EIR. Reduced Alternative A, would allow development on about 18 lots on approximately 19 acres. Reduced Alternative B would allow development of about 26 lots (see figures on next pages). Each of these Reduced Project Alternative designs would significantly reduce or avoid impacts of the project on existing sensitive biological resources, including maritime chaparral and decrease impacts by reducing the amount of disturbance, construction impacts and overall extent of development. Reduced Alternative A would eliminate more than half the lots proposed by the applicant and is not financially viable to the applicant. Additionally, staff believes that with mitigation, that the project site can support more than the 18 lots suggested by Alternative A. Reduced Alternative B would reduce the project density to 26 lots and would meet some of the applicant's project and financial objectives. See the next sections discussing the Environmentally Superior Alternative and staff recommendation on the FEIR and an appropriate Project Alternative.

Reduce Project Alternative A



Reduce Project Alternative B



Reduced Project Alternative Comparison by Habitat Type			
Alternative	To minimize impacts to Maritime Chaparral habitat the below lot numbers are not recommended for development	To minimize impacts to Wetlands the below lot numbers are not recommended for development	To minimize impacts to Maritime Chaparral habitat the below lot numbers are recommended to be reconfigured
Reduced Project Alt A	16-21, 27-32	1-3, 13, 34-37	22 *
Reduced Project Alt B	17, 27-32	1, 2, 13, 34, 37	18-22 *
* Reconfiguring five lot #s 18-22 into parcel areas conforming to zoning standards of a 1 acre minimum building site area may result in less than five lots being configured in Alternative B.			

Environmentally Superior Alternative CEQA requires that an environmentally superior alternative to the proposed project be identified. In general, the environmentally superior alternative is intended to minimize adverse impacts to the project site and surrounding environment while achieving the basic objectives of the project. The No Project Alternative would not result in any of the adverse or beneficial effects associated with the project. However, the No Project alternative does not satisfy any of the applicant’s stated basic project objectives. Based on the alternatives analysis, the Modified Design Alternative would result in a reduction in impacts to biological resources compared to the project. However, this alternative would not decrease traffic or public service impacts and could increase visual impacts and sewer impacts to the area. The Reduced Project Alternatives A and B eliminate lots and developable areas to avoid sensitive habitat and reduce impacts to water, traffic and biological resources in comparison to the proposed project. The Reduced Project Alternative would be considered the environmentally superior project in comparison to the proposed project.

Recommendation on the FEIR and an appropriate Project Alternative

According to the California Environmental Quality Act (Section 15021 of the CEQA Guidelines), a public agency has a, “Duty to minimize environmental damage and to balance competing objectives. (a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage. (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.”

Additionally, according Section 15091 of the CEQA Guidelines, “(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are: (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.”

Reduced Project Alternative B

As demonstrated in Figure 6.0-4 of the DEIR and the preceding figure of Reduced Project Alternative B above, a number of proposed building envelopes and parcels are located partially or entirely within environmentally sensitive habitat. As a result, this alternative consists of redesigning the project and eliminating lots to avoid sensitive habitat. Specifically, this alternative consists of eliminating lots 1, 2, 13, 17, 27, 28, 29, 30, 31, 32, 34, and 37, and reconfiguring lots 18, 19, 20, 21, and 22 to avoid maritime chaparral and wetland habitats. The reconfiguration of the proposed building envelopes on lots 18, 19, 20, 21, and 22 to avoid maritime chaparral habitat would minimize project related impacts on biological resources while still allowing for the development of these lots. However, unlike the Reduced Project Alternative A, this alternative would not eliminate lots 3, 16, and 18-21 as the proposed building envelopes are either located entirely outside of sensitive habitat or can be reconfigured to avoid impacts. Project development consistent with this alternative would result in the development of 26 residential lots and supporting infrastructure on the approximately 96.37 acre project site.

Impacts: Development under Reduced Project Alternative B (“Alternative B”) would reduce the overall environmental impacts of the proposed project in regard to: Biology, Construction, Septic Percolation, Nitrate Loading, Water Use, Tree Protection and Public Services.

Biology Alternative B has focused on reduction of those areas of the project that are considered to be high habitat value such as maritime chaparral and wetland habitat. Project development under this scenario would minimize potential impacts to California Tiger Salamander and Red-Legged Frogs by reducing development within potential habitat areas. As a result, the elimination and reconfiguration of the lots identified above would minimize, to the greatest extent feasible, the overall degradation of sensitive habitats located on site, while substantially increasing the total conservation area. The elimination of road infrastructure and lots located within sensitive habitat would prevent and/or minimize habitat fragmentation, loss, and degradation. Alternative B would avoid most of the maritime chaparral and wetland habitat on the project site.

Although, Alternative B would eliminate impacts to special status species, measures would still be required to assure protection of special status species on the site to prevent indirect impacts. The impacts to wildlife and fragmentation of habitat associated with the project may still occur under this alternative; however, this is significantly reduced in comparison to the proposed project due to the elimination of development in areas identified as sensitive habitat. Proposed Mitigation Measures 4.4-1 through 4.4-22 will still be needed to assure a less than significant impact to these resources.

Construction Similar to the Reduced Project Alternative A, construction-related impacts would also be incrementally reduced for this Alternative B, in accordance with the reduction in units, grading, and habitat modification. The total area of ground disturbance would be reduced, and erosion/sedimentation would be decreased. In addition, the noise and dust impacts during construction would be somewhat reduced in accordance with the smaller development.

Septic Percolation. In addition to the biological, wetland, special status specie, protected tree, utility and other constraints discussed above, septic percolation and water quality are significant issues to the project. Percolation tests failed for septic system drainfields to support a positive

recommendation on Lots 1, 2, and 34. The Division of Environmental Health does not support the creation of independent lots in these proposed locations. The land areas of these lots though may be combined with adjacent proposed lots that do meet Health Department standards for residential development. Lots 1, 2, and 34 are already recommended for exclusion in Reduced Project Alternative B.

Nitrate Loading Nitrate loading from the proposed independent septic systems has been of great concern to the County and involved neighbors to the subject property. The general situation is that septic leachate is in highest concentration underneath the septic leach fields of the residences that they serve. Dilution is necessary to reduce the maximum contaminant levels below adopted regional standards as these waters move down gradient. Surface and ground waters flowing from undeveloped and conservation easement protected land areas are necessary to blend and dilute the potential high concentrations of contaminants. The Reduced Project Alternative B, further serves to reduce introduced nitrates into the ground and will allow larger undeveloped/protected areas to collect rainfall and surface waters to blend with the effluent introduced by the proposed new development.

Water Use Reduced Project Alternative B would have one third fewer homes than the maximum zoning density, drawing one third less water from the local and regional supplies and systems.

Protected Tree Removal Reduced Project Alternative B reduces potential impacts to protected tree resources by disallowing development on proposed lots 1, 2, 13, 34, and 37.

Public Services Reduced Project Alternative B would have one third fewer homes than the maximum zoning density, incrementally reducing the need for Sheriff, Fire and other public service providers.

As with all proposed development in this area of North County Monterey, Reduced Project Alternative B would still result in the exposure of residents and infrastructure to geologic hazards, including potential landslides and debris flows, liquefaction, seismic shaking, and erosion, although the number of people and homes potentially affected would be fewer than the proposed project. These potential impacts to future residents would be mitigated through adoption of the recommended Mitigation Monitoring and Recording Plan in **Exhibit D**.

It is for these reasons and the unique environment of the Carlsen Estates project site that staff recommends Reduced Project Alternative B as the best environmental mitigation for the project. Reduced Project Alternative B directly avoids and reduces the scope and breadth of environmental impacts. The proposed mitigation measures of the FEIR further assure a less than significant impact to the environment.

ANALYSIS

Based on staff's environmental recommendation of the Reduced Project Alternative B, the following analysis discusses the components of the Combined Development Permit request: the Vesting Tentative Map, the Use Permit request for tree removal and the Use Permit for the expansion of the public water system. Staff has determined the site suitable for Reduced Project B of 26 lots, not the 38 lots proposed by the applicant.

Standard Subdivision Vesting Tentative Map (in the context of Reduced Project Alternative B)

Layout and Design: While minimum lot size, lot width, depth and setback lines of the applicant's 38 lot proposal conform to the standards established by County zoning regulations for the LDR/2.5 district, Reduced Project Alternative B would also allow conformance and greater flexibility in layout and design. Additional land areas may be placed in Conservation Easement to protect the natural and scenic resources of the property. The 38 proposed building envelopes by the applicant would encompass a little more than 6 acres according to Revision 1 to the VTM submitted 1/19/2007. A reduced lot count to the 26 recommended in Reduced Project Alternative B would encompass a little more than 4.1 acres. Double frontage lots have been avoided in the design, although several lots have either Carlsen Road or a driveway on two to three sides. Lot 14 in the center of the proposal meets the standards for size, width, and setback of the code, yet is constrained by a 20' ingress and egress easement exclusive to Mr. Ed Mitchell, another 20' wide road easement for adjacent parcels, an area of designated wetland / drainage along the valley bottom, and the eventual construction of Carlsen Road. Again, Reduced Project Alternative B would allow greater flexibility in layout and design.

Access: Carlsen Road takes access from Berta Canyon Road and runs in a southeast and easterly fashion culminating in a proposed cul-de-sac on the easternmost parcel. Most proposed parcels have direct perpendicular access to Carlsen Drive while Lots 26-32 are proposed to have extended driveway access provided. Reduced Project Alternative B would not allow development on proposed lots 27-32, reducing the need for such driveways. The North County Fire Department has conditioned that through access be provided to the adjacent Grey Eagle subdivision. The property owner has letters from the adjacent homeowners associations indicating their willingness to accept access connections for emergency ingress and egress. The Fire Department has reviewed Revision 1 to the VTM submitted 1/19/2007 and believes there to be sufficient access indicated to move through and between Grey Eagle estates for emergency purposes. The final map and improvement plans will be required to formally indicate this emergency access.

Parks: While there is no onsite parkland dedication offered, the applicant will comply with Section 19.12.010 Recreation Requirements of Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D). This fee will be proportionately less for Reduced Project Alternative B than for the applicant's full proposal.

Trails: According to the North County Trails Plan adopted by the Board of Supervisors October 1989, the County intends for a trail system to run in an east-west manner south of the applicant's property. To further this aim, the applicant has offered to make equestrian trail improvements where they can on sections of property they own. This proposed alignment of the North County Trails plan roughly follows an established pathway running under an electrical power utility corridor and can be seen on the applicant's proposed vesting tentative map. Please refer to the Parks Department conditions in **Exhibit D**.

Slopes: While much of the southern areas of the Carlsen Estates property are constrained by slopes in excess of 30%, the project applicant has made revisions to the project (since 1999) to avoid road building or the proposal of building and septic envelopes on protected slopes.

Additionally the map has been drawn with proposed scenic /conservation easement over those property portions with slopes in excess of 30%. It is staff's opinion that no use permit is necessary in this regard. A final map drawn according to Reduced Project Alternative B can and will avoid these impacts as well.

Septic: Individual septic system designs are proposed for each lot of the subdivision. Per the Terratech, Inc. Geotechnical and Percolation Report, dated November 19, 1998, percolation tests failed on lots 1, 14 and 37. Additionally, dense soil characteristics were identified on lot 2. Further testing by Soils Surveys for the applicant, and County review and inspection of subsequent septic testing has lead the Environmental Health Division to concluded that the soils on Lots 1, 2, and 34 fail to meet minimum requirements to support sewage disposal. Reduced Project Alternative B reduces the proposed septic and leach field construction of the proposed project by one third. In order for any lot to be buildable (for septic purposes only), these lots must meet the requirements of Monterey County Code (MCC) 15.20. Lots that exceed the percolation rate of 60 minutes per inch, per MCC 15.20, shall be merged with adjoining lots (See Conditions of approval from the Environmental Health Division). No final map or reconfiguration will be approved with lots failing approval by the Environmental Health Division.

Storm Drainage and Percolation: Storm drainage and percolation facilities have been designed along the low lying areas of this small valley in the form of four (4) detention / retention ponds. If stormwater runoff from an individual lot cannot be directed to the subdivision drainage improvements, a drainage plan shall be prepared by a registered civil engineer or architect prior to issuance of any related grading or building permits (See Water Resources Agency conditions in **Exhibit D**). Reduced Project Alternative B, while disallowing as many as twelve lots of the applicant's proposal, will allow for greater undisturbed areas and greater flexibility in locating and designing final storm drainage and percolation facilities. It would also follow that with reduced development, there would be less impervious surfaces and less stormwater to mitigate.

Grading: The estimated earthwork for the applicant's 38 lot Carlsen Estates proposal has been included on Sheet 1 of 2 of the Vesting Tentative Map and Revision 1 of the VTM submitted 1/19/2007 as follows:

Estimated Earthwork		
Area	Cut cu. yds.	Fill cu. yds.
Carlsen Road	2,500	2,300
Detention Ponds	600	1,000
Common Driveways	900	400
Totals	4,000	3,700

For a project area of approximately 97 acres, the estimated earthwork is rather minimal, although the Carlsen Estates project site has a lot of habitat value that should remain undisturbed minimal. Conditions of Approval and Mitigation Measures have been incorporated to assure a less than significant impact to Air Quality and to lessen potential impacts to soils and erosion. Reduced Project Alternative B would further reduce the need for grading and earthwork by eliminating most if not all of the proposed common driveways (1,300 cubic yards). As discussed above, the Reduced Project Alternative B may also reduce the extent of detention pond facilities needed.

Affordable Housing Requirements: Two existing residences are located on the site. The project application was deemed complete by the County prior to the effective date of the County's current Inclusionary Ordinance (#04185) and is therefore subject to the prior Ordinance #3419. Ordinance #3419 requires that all development resulting in residential units or lots contribute to the Inclusionary Housing Program, in an amount equal to 15% of the total number of lots/units being created (that are not determined to be exempt). The Ordinance allows the developer to select the form of compliance including the payment of an in-lieu fee instead of supplying Inclusionary units. The applicant proposes to contribute an in-lieu fee to satisfy the requirements of the Inclusionary Housing Ordinance. The in-lieu fee shall be based on the adopted Inclusionary In-Lieu Fee Schedule in effect at the time that the project application was deemed complete by the County. The In-Lieu Fee Schedule dated December 8, 2000 was effective at the time the application was deemed complete.

- 36 non-exempt units/lots x .15 = 5.4 Inclusionary Units required
- 5.4 x \$55,490 (Fee for one required Inclusionary Unit in N. County) = \$299,646

The Inclusionary In lieu fees associated with Reduced Project Alternative B would be as follows:

- 24 non-exempt units/lots x .15 = 3.6 Inclusionary Units required
- 3.6 x \$55,490 (Fee for one required Inclusionary Unit in N. County) = \$199,764

See the Condition of Approval in **Exhibit D** from the Redevelopment and Housing Division.

Subdivision Findings for Reduced Project Alternative B: Section 19.05.055 B of the Monterey County Subdivision Ordinance and the California Subdivision Map Act Section 66474 requires that a subdivision be denied if any one of the findings of that section are made. Planning staff has analyzed the Reduced Project Alternative B against the findings for denial outlined in that section and can not make these findings. Expanded detail of the evidence to support the subdivision according to Reduced Project Alternative B can be found in the **Exhibit C**. Staff recommends that the Reduced Project Alternative B for the Carlsen Estates subdivision be approved for the following reasons:

- The map and its design and improvements are consistent with the County General Plan and the North County Area Plan.
- The site has been determined to be physically suitable for Reduced Project Alternative B; the type and density of development of 26 new residential lots. Staff has determined that the site is not physically suitable to carry the applicant's proposal of 38 lots and the associated development impacts of such a dense development.
- The design and improvements associated with Reduced Project Alternative B are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems.
- The design and improvements associated with Reduced Project Alternative B will not conflict with easements for access through or use of property within the proposed subdivision.
- That the subdivision configuration of Reduced Project Alternative B meets any of the requirements or conditions imposed by the Subdivision map Act or this Title (Title 19).

Use Permit Request for Removal of Protected Trees

A statistical analysis of the oaks on the property (1999) estimates approximately 12,309 individual oak trees greater than 6 inches in diameter at two feet above ground level are located on the project site. The Carlsen Estates application seeks a permit for the removal of an estimated 449 oak trees (3.6% of the estimated total) to accommodate Carlsen Road, driveways and development within building and septic envelopes. Wherever possible, roads, driveways and building envelopes have been realigned or adjusted in consultation with the author of the Forest Management Plan to minimize the number of trees to be removed. The tree removal proposed is the minimum required under the circumstances of the proposal.

County regulations require replanting on a 1:1 basis for all protected trees except when such requirement will create a special hardship in the use of the site or such replacement would be detrimental to the long-term health and maintenance of the remaining habitat. According to the forester's report, "most of these (449) trees will be removed from currently overcrowded forest conditions, and this will not create a significant impact on the development of the forest resource. Fragmentation of the oak woodland will occur due to home construction and road building. The number and average size of the trees to be removed is not significant given the total number of trees on the property and the extent of the proposed development. Where beneficial, trees will be replaced on a 1:1 basis."

Reduced Project Alternative B further reduces potential impacts to these protected tree resources by disallowing development on proposed lots 1, 2, 13, 34 and 37.

Use Permit Request for the Expansion of a Public Water System

Title 19 of the Monterey County Code requires that hydrological evidence be submitted to the Director of Environmental Health to show evidence of water quality and quantity. The applicant must also provide proof of an assured, long-term water supply in terms of sustained yield and adequate quality for all lots which are proposed. The water supply must also meet the standards of Title 22 of the California Code.

Water for the proposed project would be provided by the Pajaro Sunny Mesa Community Service District (PSMCS D) (Formerly Alco Water Service). This water would be supplied by the well located at the Terra Linda Subdivision, located on Pesante Road at Highway 101.

The project is located in the Highlands South hydrogeologic sub-basin, which is included in Zone 2C. Zone 2C is the area of benefit for the Salinas Valley Water Project (SVWP). The SVWP has a certified EIR, has the requisite voter approval for funding (per Prop 218) and is well along in the project design phase. The SVWP will provide positive benefits to the Salinas Valley aquifer in addressing groundwater deficiencies.

After review of the data provided by the applicant, the data provided in the Hydrologic Study commissioned by the Division of Environmental Health and the analysis provided by the County's EIR consultant, it is the opinion of the Director of Environmental Health, in consultation with the Executive Director of the Monterey County Water Resources Agency that the Carlsen Estates Residential Subdivision complies with County requirements for subdivision

approval with respect to water supply and quality and have also concluded that there is proof of an assured, long-term supply.

Although the implementation of the Project will result in a 1% decrease in recharge from current conditions, given the status of the sub-basin, it has been determined that this does not constitute a substantial depletion of groundwater supplies or interfere substantially with groundwater recharge. The applicant may, subject to County approval, provide additional measures to further increase recharge to the groundwater basin, but these measures are not required for the project to be in compliance with County Ordinances nor to comply with CEQA with respect to direct and cumulative impacts.

Although no longer in effect, Title 18.51 of the Monterey Code required applicants to pay a fee towards a Water Impact Fee Program to address direct and cumulative impacts. Fees collected have been utilized to fund studies and subsequent project for addressing impacts. The applicant will be required to pay a fee, since the application was deemed complete at the time that this ordinance was in effect.

Consistent throughout the Environmental Review and Analysis sections above, Reduced Project Alternative B will have less potential development impacts to water resources as well.

PUBLIC COMMENT

The public has been very involved with this project up. Staff and the environmental consultant have reviewed all comment letters received during the public review period for the Draft EIR and in preparation of the FEIR. Many concerns have been addressed in the FEIR. Staff has prepared a supplemental **Exhibit F** that discusses the comment letters received at the Subdivision Committee hearings and how and where issues are addressed in the FEIR and this report. Please refer to **Exhibit E**. Virtually no public comment has been received on the project since the Reduced Project Alternative B was recommendation for approval by the Subdivision Committee February 22, 2007.

SUBDIVISION COMMITTEE DELIBERATION AND RECOMMENDATION

The Subdivision Committee heard this item on several occasions from August 31, 2006 through February 22, 2007. On February 22, 2007, after having reviewed the FEIR and receiving staff and public testimony, the Subdivision Committee recommended (5-0, 1 absent) that the Planning Commission certify the Carlsen Estates Final Environmental Impact Report, that the Mitigation Monitoring and Reporting Program be adopted, and that the Planning Commission approve the Combined Development Permit configured as Reduced Project Alternative B, subject to 146 Conditions of Approval. The Subdivision Committee Resolution is attached as **Exhibit E**.

RESOLUTION OF CODE ENFORCEMENT ISSUES

Outstanding from 1999 to the present has been resolution of the Code Enforcement case CE990063 on the subject property. This case has two parts: one relating to the water storage tanks on the southern portion of the eastern parcel, and the other relating to unpermitted additions (in 2004) to the single family residence also on the eastern parcel. Both of these issues have now been addressed by the applicant and Code Enforcement staff.

Water Storage Tanks It has been determined by the Branch Chief of Code Enforcement, Bill Dunn that the water tanks on the Paco LLC property (Carlsen Estates) were installed by Alco Water as part of the Grey Eagle utility extension and or projected development in the area. The tanks rest on a utility easement granted by the owner to Alco Water. The Alco Water system is presently under the jurisdiction of the court and a sale of the system is anticipated as ordered by the court. The utility water system is presently *operated* by Pajaro Sunny Mesa but not *owned* by Pajaro Sunny Mesa, thus any decisions respecting the use of the tanks is within the purview of the court.

The tanks are not in use and have not been completed to implement their use. According to Mr. Dunn, the water tank installation as an extension of a public utility, has preemptions from County land use permitting requirements resting with the Public Utilities Commission and case law. For the purposes of this case this issue will be handled as a separate investigation and is removed as an issue to be addressed separately from the Carlsen Estates subdivision development proposal

Unpermitted additions to the single family residence The applicant has continued to make progress with the building permit applications to legalize the as-built addition/remodel, retaining wall and plan for removal of the unpermitted accessory structure. Three building permit applications were submitted June 21, 2007 to rectify the matter: BP071538, BP071539, and BP071540). Once approved and issued, inspections will follow. As of the writing of this report, Code Enforcement staff is preparing a Compliance Agreement for the applicant's signature to assure that the outstanding code issues will be resolved by the applicant in a diligent manner. Conventions such as Compliance Agreements are typically used by Monterey County to correct code violations in a comprehensive manner. Staff has included a new condition of approval (Condition #7) in this permit request that ties back to the Compliance Agreement requiring complete resolution and retirement of the Notice of Violation on the property prior to recordation of the Final Map. Through submitted plans and site inspections, the applicant may bring the property into compliance by the August 29, 2007 hearing date, making the Compliance Agreement not necessary.

IN CONCLUSION

Since adoption of the Subdivision Committee Resolution in February 2007, staff has refined the Findings and Evidence, Conditions of Approval and implementation of Mitigation Measures in order to clarify and better implement the Reduced Project Alternative B.

In the Findings and Evidence.

- Finding 5 that addresses CEQA Reduced Project Alternative B has been clarified to draw language from the California Environmental Quality Act and to document the support of that finding through additional points of evidence.
- Finding 11 that addresses Violations and Code Enforcement issues has been revised to reflect the new evidence of the applicant's progress in pursuing resolution and building permits for the non-permitted structures, and the Compliance Agreement as described above.

In the Conditions of Approval. Two Conditions of Approval have been added to better implement the Reduced Project Alternative B:

- Prior to Map Recordation all conditions and requirements of the Code Compliance Agreement (80 Carlsen Road) shall be resolved, the Notice of Violation removed and the subject property brought into compliance with all county codes. (Potentially not necessary, as described above). (Condition #7)
- Upon recordation of the Final Map, staff recommends that the high value habitat, wetland and conservation areas be rezoned as Open Space and not subdivided. The high value habitat, wetland and conservation areas are fully described in the FEIR and are illustrated in the Exhibit for Reduced Project Alternative B. (Condition #8)
- Upon recordation of the Final Map, staff recommends that a B-6 subdivision restriction be applied to the remainder of the Carlsen Estates subdivision. (Condition #8)

In the Mitigation Monitoring and Reporting Program. Staff has clarified the Compliance or Monitoring Actions on several of the Mitigation measures. These simply better implement the described mitigation measures to assure less than significant impacts.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Certify the Final Environmental Impact Report;
2. Approve the Combined Development Permit for the Carlsen Estates Project configured as Reduced Project Alternative B, based on the Findings and Evidence in **Exhibit C**, subject to the recommended Conditions of Approval in **Exhibit D**; and
3. Adopt the Mitigation Monitoring and Reporting Program in **Exhibit D**.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY.** The project proposed in this application consists of a Combined Development Permit and Vesting Tentative Map request (**Carlsen Estates PLN000196**), as described in Condition #1 and the Reduced Project Alternative B conforms with the policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21).

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application.
 - i. The 1982 Monterey County General Plan
 - ii. The North County Area Plan.
 - iii. Chapters of the Monterey County Zoning Ordinance: 21.14 Regulations for Low Density Residential Zoning Districts; 21.76 Combined Development Permits; 21.74 Use Permit for Mutual Water Systems and protected tree removal;
 - iv. Chapter 19.05. Monterey County Code Title 19 Subdivision Ordinance.

No conflicts were found to exist.

- (b) The property is located at 60 and 80 Carlsen Road, Prunedale (Assessor's Parcel Numbers: 125-051-005-000, 125-051-008-000, and 125-051-017-000), North County Area Plan. The parcels are zoned LDR/2.5 (Low Density Residential 2.5 acres per unit). 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.
- (c) Project planners have conducted numerous site inspections between 1999 when the initial Carlsen Estates application was submitted, to the present in 2006 to verify that the project conforms to the plans listed above.
- (d) The project includes a request for a Vesting Tentative Map, Mutual Water System, and removal of protected trees.
- (e) The application, plans, and related support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development found in Project File PLN000196.
- (f) Refer to Findings and Evidence numbered 2, 3 and 4.

2. **FINDING: SITE SUITABILITY.** The site is physically suitable for Reduced Project Alternative B. Staff has determined that the 38 lot subdivision proposed by the applicant is too dense and not suitable for the site.

EVIDENCE:

- (a) Due to the numerous development constraints of the 96.37 acre property including: dense oak woodland (60.3 acres), maritime chaparral (38.9 acres), grasslands (9.2 acres), wetlands (6.3 acres), lack of public sewer, potential for impacts to protected status species such as California Tiger Salamander, Red Legged-frog, dense soil characteristics, steep slopes and

unproven septic percolation capacity on numerous lots, full development of the subject property to its maximum density of 38 lots is not suitable.

- (b) Reduced Project Alternative B reduces impacts across all of these above resource categories and constraints and further reduces the increase in new traffic, new water use, and need for public and utility services.
- (c) Development on slopes in excess of 30% will be avoided.
- (d) The Environmental Impact Report for the project indicates that the project would have significant impacts in the following areas: geology/soils; surface hydrology/water quality; biological resources; cultural resources; aesthetic/visual resources; project and cumulative traffic and circulation; construction noise and air quality; water supply; and recreational facilities. Table 2.0-1 of the Draft Environmental Impact Report summarizes the significant environmental impacts of the proposed project and Table 2.0-1 of the Final Environmental Impact Report lists the proposed mitigation measures proposed to reduce potentially significant impacts to less than significant levels.
- (e) The Draft Environmental Impact Report for the project indicates the project would have less-than-significant impacts in the following areas: land use; light and glare; long term noise effects; regional air pollution; public services (police, fire, solid waste, school, and park facilities); and population/jobs/housing.
- (f) The Environmental Impact Report for the project indicates that no significant and unavoidable environmental impacts would result from approval of the project. Staff has determined that Reduced Project Alternative B (from the Environmental Impact Report) serves as the best mitigation for lessening potential environmental impacts on the subject property by directly avoiding and reducing the scope and breadth of environmental impacts.
- (g) The proposed development has been reviewed by the Monterey County Planning Department, Water Resources Agency, Public Works Department, Division of Environmental Health, Parks and Recreation Department, Redevelopment and Housing Division, Sheriff's Office, and the North County Fire Department.
- (h) Project planners and county staff have conducted numerous site inspections between 1999 when the initial Carlsen Estates application was submitted, to the present in 2007 to verify that the project conforms to the plans listed above.
- (i) The proposed project lies within Zone 2C of the South Highlands subarea, which has been identified as a zone of benefit for the SVWP. Although this project is currently in the design phase, a successful ballot measure has been passed to service the debt for the project and therefore can be relied upon as a means to augment the existing water supply in the project area. The project does not exceed or significantly adversely impact the safe, long-term yield of the local aquifer when considering the size of reduction of groundwater recharge in comparison to the subarea, the mitigations imposed above and herein and in consideration of the implementation of the SVWP which will secure a long term groundwater supply for the expanded area. The California Department of Health

Services (CDHS) has determined, based on their evaluation, that Pajaro Sunny Mesa Community Service District (PSMCS D) its successors or assigns (formerly Alco) does have the capacity to provide Carlsen Estates with sufficient water service based on the following information determined by their evaluation.

- (j) PSMCS D its successors or assigns (formerly Alco) currently has 271 service connections with a demand for 292,500 gallons daily (maximum) and 45,615,300 gallons annually. Per service connection, this amounts to a demand of 1,080 gallons daily and 168,300 gallons annually. The addition of Carlsen Estates will increase PSMCS D its successors' or assigns' service connections to a combined total of 309 connections. This is estimated to increase PSMCS D its successors' or assigns' water service demands to 333,500 gallons daily (maximum) and 52,011,500 gallons annually. The CDHS determined that the addition of Carlsen Estates to this service system will not be expected to affect PSMCS D its successors or assigns' long-term capacity to provide service to their current customers.
- (k) Materials in Project File PLN000196.

3. FINDING: CEQA. PREPARATION OF AN EIR. In accordance with the California Environmental Quality Act (CEQA) and the direction of the Monterey County Planning Commission on August 11, 1999, a Draft EIR was prepared to assess the potential adverse environmental impacts from the project.

EVIDENCE:

- (a) Notice of Preparation was circulated to agencies and interested parties on September 3, 2004.
- (b) Draft Environmental Impact Report dated November 2004 was distributed to responsible agencies, trustee agencies, other departments and agencies, and interested parties including the State Clearinghouse (SCH#2004091039) in accordance with the California Environmental Quality Act. The public comment period for this document was from November 1, 2004 to December 15, 2004.
- (c) Notice of Completion, dated November 1, 2004, was sent to the State Clearinghouse, along with copies of the Draft Revised EIR, which were circulated to State agencies.
- (d) Notice of Availability was published, mailed to interested parties and property owners within 300 feet of the project boundaries, on November 1, 2004.
- (e) On December 6, 2006, the Final EIR was released to the public, which responded to significant environmental issues raised in the comments received from agencies and interested parties. These comments have been incorporated into the Final EIR dated November 29, 2006.
- (f) Pursuant to Public Resources Code § 21092.5, all public agencies commenting on the Draft EIR were mailed copies of the responses to their comments, to be received at least ten days prior to the County of Monterey Planning Commission.
- (g) Materials in Project File PLN000196.

4. **FINDING: CEQA. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT.** The Planning Commission concludes that the following environmental impacts are less than significant. Each impact is summarized and some of the key factors affecting the significance conclusion are identified below; in each case, the nature and magnitude of the impact and the significance analysis and evidence in support thereof are further elaborated in the EIR and in the record, and the Planning Commission expressly relies on the record as a whole in reaching the significance conclusions described herein.

EVIDENCE:

- (a) Draft EIR dated November 2004 and Final dated November 29, 2006
- (b) Materials in Project File PLN000196.

- 4a. **Land Use (DEIR, Chapter 4.1)** The project site is surrounded by existing residential uses. The scale and density of the proposed residential uses is consistent with the existing as well as surrounding General Plan designation of Low Density Residential. The proposed density of 38 units meets the North County Area Plan zoning designation of 2.5 acres per unit. Approximately 66 percent of the project site will be placed into a conservation easement and preserved as open space. The EIR analyzes consistency with applicable North County Area Plan land use and residential land use policies, open space policies, and County zoning and inclusionary housing ordinances, as well as policies applicable to each environmental resource category. Based on the EIR and the record as a whole, the proposed project would have a less than significant impact with respect to land use and planning.
- 4b. **Aesthetics/Viewshed: Light and Glare (DEIR, Chapter 4.6)** The proposed project does not include the construction of new homes, but only the designation of residential lots and building envelopes, and thus will not introduce new sources of night lighting on the site. The construction of future homes would be required to comply with General Plan policy 26.1.20 which requires that all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced and offsite glare is fully controlled. Based on the EIR and the record as a whole, the proposed project would have a less than significant impact with respect to light and glare and no mitigation is required.
- 4c. **Noise: Long Term Noise (DEIR, Chapter 4.8)** The existing noise levels on the project site are below 60 dBA. The ambient noise at the site is typical of a rural area where there is wide open space and minimal human activity. Significant noise sources in the project area are primarily associated with automobile traffic on Highway 101 and Berta Canyon Road. In this low-density setting, an increase of 5 dBA would be considered to be significant. The increase in noise levels will not exceed Monterey County standards, but will be perceptible to neighbors and residents. The traffic is not expected to create an increase of more than 5 dBA at sensitive receptors in the project vicinity,
- 4d. **Air Quality (DEIR, Chapter 4.9)** Aside from temporary construction related impacts (see Mitigation Measure 4.9-1) the project is not expected to have an impact on air quality. The project will result in incremental increases in vehicle emissions in pounds per day. The increased vehicle trips and vehicle miles traveled to and from a project site are the primary

sources of operation emissions. The MBUAPCD CEQA Guidelines identify development intensity levels that would potentially trigger an exceedance of the 137 lb/day threshold of emissions of NO_x or VOCs due to indirect sources (i.e., light duty cars/trucks) and area sources (i.e., household fuel burning or solvents such as barbecues, lawn mowers, paint thinner, etc.). For single family residential projects, 200 dwelling units (or 2,000 daily trips) would trigger the need for modeling of emissions. Because this project proposes only 38 dwelling units, it is well below the trigger for potentially significant impacts and modeling of regional emissions is not necessary. The project, therefore, would result in less-than-significant impact on regional air quality.

4e. Public Services: (DEIR, Chapter 4.12) Aside from the fee payment in-lieu of land dedication for recreation purposes (Mitigation Measure 4.12-1), there will be a less than significant impact to Fire protection, Police Protection, Schools, and Solid Waste disposal.

- *Fire Protection.* Ultimate project design will be required to meet Fire District requirements regarding fire flow, water storage requirements, hydrant spacing, emergency access, etc., as identified in the Monterey County General Plan. The project must conform with General Plan policies 17.3.1 through 17.5.2, which prescribe the use, location, type, and design of roadways, and regulate the type, density, location and/or design of development. Specific policies also recommend the implementation of a fuels management plan from the developer.

The North Monterey County Fire District has commented that the project must provide two-way traffic between subdivisions in order to evacuate the public and ensure emergency Fire Department access, per Section 4290 of Public Resources Code. Grey Eagle Estates, a neighboring subdivision, has granted an easement for emergency egress to the Carlsen Estates Subdivision allowing the North Monterey County Fire District emergency access from Carlsen Canyon through the project area. The access will be along the former Alco Water easement (now PSMCSD), which has already been established and maintained by the water company. The Fire District will review existing letters from the area Homeowners Association to ensure legal entitlements and easement documentation for access through Grey Eagle and Manzanita Estates Subdivisions is satisfactory prior to project approval.

The current level of fire protection provided by the North Monterey County Fire Protection District is adequate to serve the proposed project. The proposed project is expected to result in a less than-significant increase in the demand for fire services.

- *Police Protection.* The project site is located within the jurisdiction of the Monterey County Sheriff's Department. The project site is served by the Central Station, which has 49 deputies and serves the unincorporated portions of Northern Monterey County. The project site is in Beat 3A and is patrolled by Deputies from the Central Station. Beat 3A normally has one Deputy assigned 24 hours a day, 7 days a week, and also handles the midnight watch for all of north Monterey County. It is close to Beat 2C which also has a Deputy assigned 24 hours a day, 7 days a week (Wheelus, personal communication, August 30, 2004). The current Station Commander of this area is Tracy Brown.
- *Schools.* The proposed project is located within the boundaries of the North Monterey County Unified School District. This district has 8 schools and 5,100 currently enrolled

students. Students in the area of the proposed project may attend the following schools within the school district:

- Prunedale Elementary School (K-5), with a current enrollment of 650;
- Moss Landing Middle School (6-8),
- North Monterey County Middle School (7-8), with a current enrollment of 650
- North Monterey County High School, with a current enrollment of 1,500

The nearest elementary school to the project site is at 17719 Pesante Road (Prunedale Elementary School). The school district does allow intra-district transfer to any school with capacity for additional students. There are also two private schools in Prunedale, all of which include primary through middle school grades.

- *Solid Waste Disposal.* Landfill space and recycling services would be provided by the Salinas Valley Solid Waste Authority. The primary landfill for the project site is the Crazy Horse Canyon Landfill and the secondary landfill is the Madison Lane Transfer Station. The landfills that serve the site would have adequate capacity to serve this amount of solid waste through the life of the existing landfill. The project will result in an increase of 193 tons of solid waste per year, or about 0.53 tons per day. This impact is less-than-significant as a percentage of the County total.

- 4f. **Population (DEIR, Chapter 4.13)** The project would indirectly increase population in the area by creating 35 new residential lots, with the potential for the development of 36 new homes. Prunedale's existing population (year 2000) is 16,432. Based on Census 2000 figures, the average household size in Monterey County was 3.14. Using this factor, the 36 new units that would indirectly result from the project would generate approximately 113 people, which represents less than 0.7% of Prunedale's existing population.

The project would not have a direct, economic growth-inducing impact since it would not stimulate economic growth by providing primary employment (i.e., industrial development). Residential development is considered a product, rather than a cause, of growth. The only exception is during the construction phase, when construction jobs are created and materials purchased. This project would have a secondary impact on economic growth by increasing the demand for goods and services from future residences of the proposed development.

5. **FINDING: CEQA. REDUCED PROJECT ALTERNATIVE B.** Monterey County has a duty to minimize environmental damage and to balance competing objectives (Reference Section 15021 of the CEQA Guidelines). CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. Reduced Project Alternative B is considered the best mitigation for substantially lessening significant effects the project would have on the environment and for balancing competing objectives.
- (a) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage (Reference Section 15021(a)(1) of the CEQA Guidelines.)
 - (b) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment." (Reference Section 15021(a)(2) of the CEQA Guidelines.)

- (c) Project development consistent with Reduced Project Alternative B would result in the development of 26 residential lots and supporting infrastructure on the approximately 96.37 acre project site.
- (d) The Reduced Project Alternative B has focused on reduction of those areas of the project that are considered to be high habitat value such as maritime chaparral and wetland habitat.
- (e) Specifically, this alternative consists of eliminating lots 1, 2, 13, 17, 27, 28, 29, 30, 31, 32, 34, and 37, and reconfiguring lots 18, 19, 20, 21, and 22 to avoid maritime chaparral and wetland habitats.
- (f) The reconfiguration of the proposed building envelopes on lots 18, 19, 20, 21, and 22 to avoid maritime chaparral habitat would minimize project related impacts on biological resources while still allowing for some development.
- (g) Project development under this scenario would minimize potential impacts to California Tiger Salamander and Red-Legged Frogs by reducing development within potential habitat areas.
- (h) The elimination and reconfiguration of the lots identified above would minimize, to the greatest extent feasible, the overall degradation of sensitive habitats located on site, while substantially increasing the total conservation area.
- (i) The elimination of road infrastructure and lots located within sensitive habitat would prevent and/or minimize habitat fragmentation, loss, and degradation.
- (j) Construction-related impacts would also be incrementally reduced for this alternative, in accordance with the reduction in units, grading, and habitat modification.
- (k) The total area of ground disturbance would be reduced, and erosion/sedimentation would be decreased.
- (l) In addition, the noise and dust impacts during construction would be reduced in accordance with the smaller development.
- (m) This alternative would reduce ground disturbance, impervious surfaces, and storm runoff rates compared with the project by eliminating units and associated ancillary facilities.
- (n) The reduction in impervious surfaces from fewer lots would decrease the amount of urban pollutants generated on the project site, and could also reduce erosion.
- (o) Project generated nitrate loading would be reduced due to the reduction of septic systems associated with project development.
- (p) This alternative would also result in a decrease in the demand for public services and utilities, particularly water.
- (q) Increased areas to locate facilities such as percolation ponds may be available.
- (r) This alternative would result in twelve fewer new housing opportunities for the North County Planning area and would not fully meet the objectives of the project to develop a range of housing opportunities.
- (s) Approval of the Reduced Project Alternative B could allow as many as 24 new market rate properties to enter the market upon map recordation.
- (t) Draft EIR dated November 2004 and Final dated November 29, 2006.

(u) Materials in Project File PLN000196.

6. **FINDING: CEQA. POTENTIALLY SIGNIFICANT IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT.** The Planning Commission finds that the EIR identifies all of the potentially significant environmental impacts of the proposed project and identifies feasible mitigation measures that reduce each of the potentially significant environmental impacts to a level of “less than significant.” These impacts and mitigation measures, and related conditions are set forth in summary below. Each impact is summarized and some of the key factors affecting the significance conclusion are identified below; in each case, the nature and magnitude of the impact and the significance analysis and evidence in support thereof are further elaborated in the EIR and in the record, and the Planning Commission expressly relies on the record as a whole in reaching the significance conclusions described herein.

EVIDENCE:

- (a) Draft EIR dated November 2004 and Final dated November 29, 2006
(b) Materials in Project File PLN000196.

6a. **Geology and Soils Hazards: Landslides (DEIR, Chapter 4.2) Impact 4.2-1:**

Existing steep slopes on and above the Carlsen Estates property are thought to be susceptible to debris flows. Debris flows are shallow, rapid, muddy landslides that occur with little or no warning during, or within several hours after, high-intensity rainstorms. Debris flows often travel several hundred feet and affect areas well below the unstable hillsides on which they originate.

The steep, gullied slopes in the northeastern corner of the western parcel, as well as the steep northeast-facing slopes in the southwestern half of that parcel, appear to have generated debris flows in the past. The colluvial deposits on the site probably include debris-flow deposits. The proposed development may be subject to damage from slope instability caused by seismic ground shaking, saturation from rainfall or irrigation, or a combination. Grading of slopes for construction could also result in potential downslope instability if not drained or engineered properly.

Nolan, Zinn, and Associates concurred with Terratech’s findings and also concluded that additional hazard evaluations were needed. Because engineered mitigation measures are not always desirable to the applicant and/or future homeowners, it was recommended that additional evaluations be completed as soon as possible to incorporate design changes as necessary, before beginning construction.

Parcel 36, and specifically the proposed access road, could be susceptible to adverse impacts from landslides and debris flows which could damage structures and infrastructure, and could endanger the health of persons on the property. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.2-1: Homesites: Prior to issuance of a grading permit, a debris flow, landslide, and toppling hazard evaluation specific to proposed home sites shall be

prepared as suggested in the Terratech (1998) report, and recommendations incorporated into final project design. The hazard evaluation shall be based on a detailed planimetric geologic map prepared for the project that shows all debris flow and landslide-related features, as well as pertinent geomorphic features such as steep erosional escarpments. The report shall contain specific foundation design and construction requirements and standards designed to reduce hazards to a less-than-significant level. Final design shall consider the stability of the slope and any potential effects on the proposed access road. Project evaluation shall demonstrate appropriate engineering and construction methods to be required to reduce the hazards on site to an acceptable level based upon accepted geotechnical engineering standards. Specific construction standards for stabilizing failure-prone areas shall include, where necessary, debris containment walls in areas where it is demonstrated that debris flow material could enter yards or impact buildings, landslide repair using common earthwork techniques, retaining wall construction, and/or relocation of driveways outside the path of unstable soil masses.

Roadways/Project: A landslide and toppling hazard evaluation specific to the proposed roadway and project wide facilities as identified in the Terratech (1998) report and the Haro-Kasunich/Nolan Zinn Report (2002) shall be prepared prior to the final map approval to address the access roadway for the eastern parcel which crosses the toe of the suspected landslide on the southern flank of the drainage. Specific construction standards for stabilizing failure-prone areas shall include, where necessary: debris containment walls in areas where it is demonstrated that debris flow material could enter yards or impact buildings, landslide repair using common earthwork techniques, retaining wall construction, and/or relocation of roadways outside the path of unstable soil masses. The stability of this slope should be demonstrated or the access road should be relocated to a stable site prior to the approval of the final map.

Mitigation Measure 4.2-2: Proposed grading and improvements shall be designed in accordance with the specific recommendations of a design-level geotechnical investigation for the project, completed prior to the issuance of a grading permit for individual homesites and prior to the final map for project wide facilities. The investigation shall include recommendations for cut and fill slopes, site drainage, canyon fills and drainage details, an evaluation of the stability of any slopes greater than 30% located adjacent to areas of planned excavation, and cross-sections of any major cut and fills should be provided.

For mitigations 4.2-1 and 4.2-2, if identified design and construction methods cannot be demonstrated to reduce the hazards on site to an acceptable level based upon accepted geotechnical engineering standards, relocation of structures on the lot or lot consolidation will be required.

6b. Geology and Soils Hazards: Surface Rupture and Seismic Ground Shaking (DEIR, Chapter 4.2) Impact 4.2-2:

Seismic hazards can be divided into two general categories: hazards due to ground rupture and hazards due to ground shaking. Because no faults are known to cross the proposed homesites, the potential for ground rupture across the homesites is small. The potential for ground rupture impacts on the proposed project site is less-than-significant.

Carlsen Estates is located in the seismically active Monterey Bay region, but outside the earthquake fault zones established in accordance with the Alquist-Priolo Earthquake Fault Zones Act of 1972. Based on historic records, and on the known general seismicity of the Monterey County region, it is probable that during the next 50 years the site will be shaken by at least one earthquake of Richter Magnitude 7.0 or greater, and by numerous earthquakes of lesser magnitude. Should a major earthquake occur with an epicenter close to the site, ground shaking across the entire site will undoubtedly be severe. Such shaking can cause severe damage to or collapse of buildings or other project facilities and may result in significant economic loss to the project and/or endanger the health and welfare of persons.

The project site could be subject to severe ground shaking in a strong seismic event, which could possibly cause damage to structures and infrastructure, and could endanger the health and welfare of persons on the property. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.2-3: Final construction plans for individual residential units shall incorporate the recommendations for mitigating seismically induced impacts as listed in the Terratech, Inc. geologic and geotechnical evaluation, and in the peer review of that report completed by Nolan, Zinn, and Associates and Haro, Kasunich & Associates.

- 6c. **Geology and Soils Hazards: Liquefaction, Dynamic Compaction, or Lateral Spreading Hazards (DEIR, Chapter 4.2) Impact 4.2-3:** Liquefaction is a phenomena during which saturated granular soils temporarily lose strength as a result of cyclic ground motion such as strong earthquake shaking. Loose, saturated, fine grained sands that are within about 50 feet of the ground surface are most susceptible to liquefaction. Terratech, Inc. evaluated the liquefaction potential of the sands encountered at Carlsen Estates based on measured ground water levels.

Groundwater was encountered in five of the borings taken by Terratech, Inc. in 1998 (Appendix B of the DEIR). Their analysis of the materials indicated that submerged loose to medium dense sand layers located in the top 20 feet below the site have a moderate to high potential for liquefaction. Sand layers across the site above ground water elevation should not liquefy, but do have a moderate to high potential for seismically induced settlement (dynamic compaction).

The project site could be subject to liquefaction, dynamic compaction, or lateral spreading hazards in a strong seismic event, which could possibly cause damage to structures and infrastructure, and could endanger the health and welfare of persons on the property. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.2-4: Prior to issuance of a grading permit, an evaluation of liquefaction, dynamic compaction, or lateral spreading during earthquakes should be prepared in conjunction with the project geotechnical engineer, and recommendations

incorporated into final project design. This evaluation shall consider groundwater level data and seismic design ground motions developed by the design phase geologic investigation, and include effects on structural elements and infrastructure. This evaluation shall contain specific foundation design and construction requirements and standards to reduce any hazards to a less-than-significant level. Measures may include development of foundations that can withstand anticipated soil deformations, installation of dewatering systems, flexible utility connections, requirements for specific grading and compaction, and/or relocation of structures to areas where ground deformation is not anticipated. If identified design and construction methods cannot be demonstrated to reduce the hazards on site to an acceptable level based upon accepted geotechnical engineering standards, relocation of structures on the lot or lot consolidation will be required.

- 6d. **Geology and Soils Hazards: Erosion and Sedimentation (DEIR, Chapter 4.2) Impact 4.2-4:** Development on the subject site would disrupt the surficial soil horizon in areas where soils are susceptible to erosion by wind and/or water. Removal of soils by wind or water can undermine buildings, roads, and other developments, resulting in significant economic loss. Erosion can also contribute to siltation of local streams or water bodies. Erosion impacts can result from both short-term construction activities and long-term project conditions where vegetative cover is not re-established following development.

The Aromas formation found at the project site is highly erodible, as evidenced by extensive gulying on exposed slopes throughout the region, especially along the east side of Highway 101 in Prunedale.

The project site is subject to soil erosion hazards, which could cause damage to structures and facilities on the property. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.2-5: All lots should be graded to direct surface water away from steep slopes and into gutters and/or lined ditches which flow into properly designed catchment structures.

Mitigation Measure 4.2-6: During construction, efforts should be made to keep soil disturbance to a minimum. This objective can be accomplished by keeping machinery off of established vegetation as much as possible.

Mitigation Measure 4.2-7: Specific access routes should be established during planning phases of the project.

Mitigation Measure 4.2-8: After construction, loose soils are still vulnerable to erosion, particularly immediately after project completion. Immediate revegetation has proven the most effective means of keeping soil movement to a minimum.

Mitigation Measure 4.2-9: An Erosion Control Plan shall be prepared by the project proponent prior to issuance of a grading permit, subject to review and approval by the County.

- 6e. **Surface Hydrology and Water Quality (DEIR, Chapter 4.3) Impact 4.3-1:** The project would result in an increase in impervious surfaces including buildings, driveways, and roads. Runoff from these new impervious surfaces would increase flows into local drainage channels. Typically, the Monterey County Water Resources Agency (WRA) requires detention facilities to be designed and constructed as part of any subdivision to offset the effect of increased runoff. The design of these facilities is based on allowing storm water discharge equal to the 10-year pre-development discharge rate, while the design inflow is based in a 100- year post-development event.

To reduce peak flows through the post-development subdivision, the drainage plan includes four detention ponds along the length of the on-site drainage channel with a combined capacity in excess of the required 1.48 acre-feet. Each of these detention ponds will act as a sedimentation basin and will provide the necessary runoff storage to slow the rate of flow in the drainage channel. All of the detention ponds will be equipped with petroleum absorbent/silt interceptors. The discharge from the detention ponds will be limited to 37.1 cubic feet per second (cfs), based on the 10-year pre-development runoff rate from the project area

The drainage system and percolation/runoff calculations were evaluated by Questa Engineering Corporation (Appendix E of the DEIR). Questa determined that the total percolation to groundwater after development of the project was overestimated in the water balance study prepared by Tunstall, as described in detail in Section 4.10 Water Supply. For this environmental evaluation, the more conservative estimates were used to evaluate the potential “worse case scenario.” A percolation to groundwater rate of 67 AF/yr was used for this analysis and was based on the following assumptions: 1) an annual rainfall value of 14.61 in/yr; 2) an average wastewater flow rate into the leach fields of 200 gpd; 3) an annual average water demand of 15.3 AF/yr; and 4) a net contribution to groundwater of 51.9 AF/yr. Based on the analysis prepared by Questa, the project would result in a net reduction of 6.8 AF/yr in the annual amount of groundwater recharged; however, the project site would remain a net contributor to groundwater.

Based on Questa’s review, it does not appear that the sediment ponds were sized for sediment storage. Given the erosive nature of on-site soils, a significant amount of sediment could enter and settle in the detention ponds, particularly during the first storm season following construction. This sediment accumulation should be estimated and explicitly accounted for in detention basin design calculations to avoid potential flooding impacts.

The sediment ponds designed for the project are not large enough to accommodate sediment storage, which could eventually cause flooding impacts to the project site and areas downstream of the project. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.3-1: Prior to the final map approval, the applicant’s engineering consultant shall estimate the accumulation for the sediment ponds. The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil

engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention and retention facilities to mitigate the impact of impervious surface stormwater runoff. Pond(s) shall be fenced for public safety. The detention basins shall be designed and sized to accommodate the sediment and still avoid potential flooding. The design shall be submitted and approved by the Monterey County Water Resources Agency prior to the issuance of a grading permit. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency.

- 6f. **Surface Hydrology and Water Quality (DEIR, Chapter 4.3) Impact 4.3-1A:** Per the Water Resources Agency, the project geotechnical analysis should be expanded to provide documentation for proposed retention pond to confirm the use and suitability of subsurface materials for stormwater retention and aquifer recharge to ensure recharge proposed in the project design can be achieved without unacceptable geologic risk or impact in accordance with the requirements contained in the State of California Board for Geologists and Geophysicists *Guidelines for Engineering Geologic Reports*. With the following mitigation measure, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.3-1A: A geotechnical investigation shall be performed at the site of any proposed retention pond to confirm the use and suitability of subsurface materials for stormwater retention and aquifer recharge, as well as, define specific design measures to address potential geologic hazards. The investigation shall be performed in accordance with the recommendations contained in the State of California Board for Geologists and Geophysicists *Guidelines for Engineering Geologic Reports*, and shall include one or more of the following subsurface investigations for supporting information:

- (a) Trenching and any other excavation (with appropriate logging and documentation) to permit detailed and direct observation of continuously exposed geologic units and features.
- (b) Borings drilled, test pits excavated, and groundwater monitoring wells installed to permit the collection of data needed to evaluate the depth and types of materials and subsurface water. Data points sufficient in number and adequately spaced will permit valid correlations and interpretations.
- (c) Geophysical surveys conducted to facilitate the evaluation of the types of site materials and their physical properties, groundwater conditions and any other pertinent site conditions. The types of equipment and techniques used, such as seismic refraction, magnetic, electric resistivity, seismic reflection and gravity, and the name of the geologist or geophysicist responsible for the work.

- 6g. **Surface Hydrology and Water Quality (DEIR, Chapter 4.3) Impact 4.3-2:** The existing water quality in the project area (i.e., Berta Canyon and San Miguel Canyon drainages) is affected primarily by agricultural practices, which can contribute sediment, nutrients, pesticides, and herbicides into the surface waters. Runoff during and following construction activities on the project site could contain high sediment levels, particularly before vegetation has been reestablished. Impacts to water quality from surface runoff

water are expected to be primarily related to erosion and sedimentation. The use of detention ponds and percolation trenches will reduce the amount of sediment transported offsite. An erosion control plan would be prepared pursuant to Monterey County regulations, as identified in Mitigation 4.2-9. The development of roads, driveways, and parking areas will introduce typical urban pollutants into surface runoff. Runoff from proposed streets, driveways, and other impermeable surfaces could contain oil, solvents, heavy metals (copper, lead, and zinc), pesticides, fertilizers, and other contaminants that adversely affect downstream water quality. Runoff contamination is particularly acute during the first major storm when contaminant buildup is flushed into the drainage system.

Percolation trenches are proposed to capture and percolate runoff from roads and other impervious surfaces. Percolation or infiltration trenches improve the quality of stormwater runoff by removing both particulate and soluble pollutants. The removal of sediment, phosphorus, nitrogen, trace metals, bacteria, and organic matter is accomplished through filtration and adsorption by soil particles, and biological and chemical conversion in the soil. Pollutant removal depends upon the type of soil. The proposed percolation trenches will provide substantial water quality benefits, provided they are properly designed and maintained. In addition, the project proposes a variety of water quality improvements, including stormwater detention ponds and oil-grease/water separators.

The U.S. Environmental Protection Agency (EPA) establishes regulations for National Pollutant Discharge Elimination System (NPDES) permitting of storm water discharge. These regulations are implemented by the Regional Water Quality Control Board (RWQCB). Any construction project affecting five acres or more of land is required to comply with NPDES permit conditions. These conditions include the preparation of a Storm Water Pollution Prevention Plan (SWPPP) to reduce or eliminate erosion and downstream sedimentation during construction. The SWPPP must also include permanent measures to maintain storm water runoff quality.

Development of the project will introduce pollutants into surface runoff, which could degrade the water quality of local surface waters. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.3-2A: Prior to construction, the project will be required to obtain a NPDES permit and prepare a SWPPP, in accordance with the regulations of the RWQCB. The project shall implement Best Management Practices (BMPs) both during and after construction to prevent the release of non-point source water contaminants into surface waters, including, but not limited to:

- minimizing the area of disturbance;
- controlling graded areas during the rainy season; and
- revegetation of disturbed areas as soon as possible.

Mitigation Measure 4.3-2B: Prior to recordation of the Final Map, the applicant shall prepare a plan for ongoing inspection, monitoring and maintenance of site drainage facilities, including all measures used for infiltration and water quality control. The plan

shall detail the required maintenance work and frequency, as well as the responsible party (or parties) and funding source to assure that the necessary work is performed. The plan shall be submitted for review and approval by the Monterey County Water Agency as a condition of Final Map approval.”

Mitigation Measure 4.3-3: All grading and construction shall take place during the dry season (April 15 through October 15) to avoid complications from runoff. If construction activities should carry over into the wet season, an appropriate erosion control plan shall be in place, which should include, but not be limited to:

- Disturbed surfaces not involved in the immediate operations must be protected by mulching and/or other effective means of soil protection.
- Runoff from the site, if any, shall be detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. These drainage controls must be maintained by the contractor as necessary to achieve their purpose through the duration of the construction period.
- Erosion control measures shall be in place at the end of each day’s work.
- The inspector shall stop operations during periods of inclement weather if it is determined that erosion problems are not being controlled adequately.

Mitigation Measure 4.3-4: Final project design shall incorporate grass/vegetated swales (i.e., biofilters). These should be placed in the drainage corridor leading into the sediment ponds. Vegetation in the swales should consist of turfgrass or existing vegetation (a mixture of native and introduced grasses, sedges, and herbs).

6h. Biological Resources: Native Vegetation (DEIR, Chapter 4.4) Impact 4.4-1: The vegetative habitats on the project site are typical of the lower slopes of the northern terminus of the South Coast Range foothills. The vegetation consists of a matrix of grassland, oak woodland, and chaparral habitat types. The location of habitat types on the project site are illustrated on Figures 4.4-1 and 4.4-2, and their acreages are presented in Table 4.4-1. Three habitat types in the study area have been identified as "natural," in that they have not been created or altered by large-scale human disturbance other than livestock grazing. These habitats are as follows: 1) native grassland/seasonal wetland, 2) coast live oak woodland, and 3) maritime chaparral.

Reduced Project Alternative B reduces the proposed development of the Carlsen Estates subdivision by 1/3 from 38 proposed lots to 26 lots or fewer. Native and sensitive habitat areas are to be protected by not configuring them for residential sale, but to rezone them as Open Space and designated conservation areas. Nevertheless, development of the proposed subdivision and ancillary facilities will have considerable direct and indirect impacts on the vegetation of the study area. Substantial amounts of native vegetation will be removed or greatly altered by the placement of homes, roads, driveways, and other facilities. The remaining vegetation will be subject to ongoing degradation and replacement by invasive and non-native plant species as a result of the placement of lawns and other landscaped areas.

Possible indirect impacts to vegetation throughout the site may include increased erosion and sedimentation, and alteration of hydrologic regimes due to up-slope disturbances, particularly in the areas not set aside as conservation easement. Irrigation of lawns and

landscaped areas could result in an unnatural supply of moisture to adjacent areas, leading to alteration of the vegetation. Fertilizers or pesticides contained in irrigation runoff could also affect vegetation in adjacent areas. Non-native species introduced in landscaping could become invasive and spread into adjacent areas, replacing native vegetation. Native vegetation could be damaged by repeated trampling as a result of foot traffic by residents of the proposed subdivision.

Impacts to the native vegetation of the study area would occur as a result of the proposed development. Direct impacts of the applicant's proposal would include the removal of approximately seven acres of native vegetation within proposed building envelopes, septic envelopes, driveways, detention ponds, and road alignments. Reduced Project Alternative B would proportionately reduce the estimated seven acre impact by 1/3. Indirect impacts may occur to an additional approximately 37 acres of native habitat associated with the proposed residential lots that will not be placed in conservation easements. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.4-1: In the design and installation of landscaping, the applicant shall use native, locally-occurring species from the list of Monterey County Drought Resistant Plants.

Mitigation Measure 4.4-2: The applicant shall not use species in landscaping that are on List A of the Exotic Pest Plants of Greatest Ecological Concern in California (California Exotic Pest Plant Council, 1999).

Mitigation Measure 4.4-3: If irrigation systems are installed, they shall be designed, installed and maintained to minimize runoff of irrigation water into adjacent areas of native vegetation subject to the approval of the Monterey County Public Works Department.

Mitigation Measure 4.4-4: Prior to commencement of construction, the project proponent or property owner shall have permanent exclusionary split rail fencing installed along the conservation easement boundary. No grading shall occur within the conservation easement. Soil compaction, parking or vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the easement.

- 6i. **Biological Resources: Protected Tree Removal (DEIR, Chapter 4.4) Impact 4.4-2:** The Forest Management Plan (FMP) identifies the direct impacts associated with tree removal from proposed grading, clearing, and construction activities (see Appendix H of the DEIR). The project is estimated to result in the loss of approximately 449 trees, or 4%, out of a total of about 12,309 existing trees. The trees to be removed consist almost exclusively of coast live oak except for six Monterey pine (considered a non-native species on this site because it is planted outside of its historical distribution). A breakdown of the size of trees to be removed (in dbh) is as follows: 323 are six to 10 inches in diameter; 103 are 12 to 16 inches in diameter, 18 are 18 to 22 inches in diameter, and five have a diameter of greater than 24 inches. These five trees are

categorized as "Landmark Trees" because they exceed 24 inches in diameter. Additional trees may be removed or impacted within septic envelopes. Indirect impacts could include construction activities that damage trees not proposed for removal as well as subsequent removal of trees by residents.

The project would result in the direct removal of 449 trees, including 5 "Landmark Trees". Additional trees may be removed or impacted within the septic envelopes because a 10-foot setback is required from trees for septic areas. The project also has the potential to adversely impact trees, resulting in tree mortality, due to construction activities and subsequent alterations by residents.

Reduced Project Alternative B further reduces potential impacts to these protected tree resources by disallowing development on proposed lots 1, 2, 13, 17, 27-32, 34 and 37. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.4-5: To prevent the loss of trees additional to those evaluated for this project, property deeds included in the final map shall institute a CC&R that prohibits oak tree removal outside prescribed building, driveway, and septic envelopes.

Mitigation Measure 4.4-6: A qualified arborist or forester shall be retained to monitor tree removal and trimming during grading activities. This person will actively review construction plans and activities during grading to ensure that trees not scheduled for removal are protected with appropriate measures prescribed by the arborist/forester. A letter report shall be prepared by the arborist/forester that documents compliance with mitigation provided in this document, and submitted to the Monterey County RMA - Planning Department. All recommendations of the tree planting, recommendations for protection of the trees not proposed for removal, and management measures include in the FMP (contained in Appendix H of the DEIR) shall be included as mitigation for impacts to protected trees.

Mitigation Measure 4.4-7: On-site replanting of all protected trees at a ratio of 1:1 shall be done as outlined in the FMP.

Mitigation Measure 4.4-8: The developer shall retain a qualified arborist to prepare an oak woodland management program. The management program shall include thinning of the oak woodland on the conservation easement by removing small or stunted non-protected trees where appropriate to improve the overall health of the forest. The plan shall be implemented before the initiation of construction.

- 6j. **Biological Resources: Special Status Plants (DEIR, Chapter 4.4): Impact 4.4-3:** Six of the eight special-status plant populations known to be present on the site are located within the areas proposed for conservation. Thus, direct impacts to these plant species are avoided. However, indirect impacts to these species could result from increased competition from non-native invasive plant species due to decreased buffer areas, increased proximity to disturbed areas associated with the construction phase of the project, and ongoing disturbance from residential uses.

Two special-status plant species, Hooker's and Pajaro Manzanita, are found throughout the maritime chaparral as it occurs on the site. Both of these species are on list 1B of the California Native Plant Society's Inventory. Although these species have no regulatory protection, they are typically provided management consideration during the CEQA evaluation process. Development of the proposed subdivision and ancillary facilities will have direct impacts on these two plant species. Approximately 7.4 acres of habitat for these plants will be removed, including numerous individuals of both species.

The proposed project would result in the removal of 7.4 acres of habitat for Hookers and Pajaro Manzanita, including numerous individuals of both species. Reduced Project Alternative B avoids development impact in these areas as development would be disallowed on lots 27-32 and lots 17-22 reconfigured to avoid impact to these areas. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.4-9: The Applicant / Subdivider shall retain a County Approved qualified botanist to prepare a long-term Maritime Chaparral Habitat Management and Enhancement Plan for the Reduced Project Alternative B areas to be rezoned as Open Space not configured for residential lots and the conservation easement areas, subject to the approval of the Monterey County RMA - Planning Department and the CDFG. Reduced Project Alternative B eliminates residential development on Lots 27-32 and reconfigures the land areas shown as lots 17-22 to avoid direct impact to these resources. This measure is intended to reduce the level of impacts to the maritime chaparral habitat to a less-than-significant level and, overall, benefit the habitat more than leaving the chaparral in its current un-managed state.

- a. The approved management and enhancement plan shall be implemented prior to approval of Grading Plans, infrastructure installation and site clearing, and shall include at a minimum, the following:
 - the identification and removal of all competing non-chaparral species;
 - techniques for removing the various competing species;
 - propagation of special-status species from on-site stock to supplement the existing populations;
 - details of the monitoring plan that contain success criteria and adaptive management measures if those criteria are not met;
 - frequency and format of monitoring reports to be submitted to the County and DFG;
 - specificity of measures for revegetation with locally-occurring native species in all appropriate areas; and
 - identification of a funding mechanism for the monitoring and adaptive management components of the plan.
- b. A deed restriction shall be placed on the deed for lots having conservation easements in or adjacent to the maritime chaparral habitat in order to ensure the long-term protection and maintenance of the scenic and conservation easements:
 - 1) Prohibit property owner from removing native vegetation and trees, unless approved in writing by the Monterey County RMA - Planning Department;
 - 2) Prohibit motor vehicle and bicycle use, pets, storage, dumping, or any other activities within the Open Space designated and conservation easement areas that

- could adversely affect the ecological and scenic importance of these easements;
and
- 3) Disclose to purchasers that the ecological and scenic importance of the conservation easement and habitat protection measures implemented as part of the development.
 - 4) A 25-foot setback from the maritime chaparral habitat shall be incorporated into all lots proposed adjacent to the newly designated Open Space zoned and Conservation easement areas.
- c. Details of the management and enhancement plan monitoring program will identify the frequency and format of monitoring reports to be submitted to the County and California Department of Fish and Game (CDFG). At a *minimum*, the management and enhancement plan shall require the following:
- Annually for five years, the project proponent, property owner or homeowners association shall arrange for a qualified biologist to submit a letter to Monterey County RMA - Planning Department documenting the ongoing maintenance and condition of the exclusionary split rail fencing and protection of conservation area within the fenced area. The report shall be submitted to the Director of Monterey County Planning Department and CDFG, and a copy provided to the homeowner's association. The County of Monterey, the property owner and the homeowner's association shall be responsible for enforcing habitat protection and maintenance measures to protect onsite biological resources. **(RMA- Planning Department)**

Mitigation Measure 4.4-10: Prior to grading and site disturbance, educational signs which inform users of the importance of the site's ecology, the presence of special-status plants, and the habitat protection and enhancement measures shall be placed along all approved trails adjacent to the newly designated Open Space zoned areas and within the conservation easements and no less than every 100 feet along the Open Space areas and conservation easement boundary.

Mitigation Measure 4.4-11: Prior to final project approval, educational brochures which discuss the importance of the site's ecology, the presence of special-status plants, and the habitat protection and enhancement measures shall be distributed to the future residents of the project site.

- 6k. **Biological Resources: Special Status Wildlife (DEIR, Chapter 4.4): Impact 4.4-4:** The project is not expected to significantly interfere with the movement of wildlife in or out of the project site or significantly reduce the viability of any wildlife populations. However, the project could impact special-status wildlife species that may be present on the site.

Special-status wildlife species and nesting raptors may be impacted as a result of the project. Special-status wildlife species described below are assumed to be present based on habitat existing on the site, although presence has not been established and the likelihood for all but the Cooper's hawk is low.

The project design provides conservation in perpetuity at a ratio of approximately 4:1 acres for the maritime chaparral and wetland/grassland habitat, and 1:1 acres for oak

woodland habitat. Reduced Project Alternative B reduces the density of residential development by approximately 1/3 and includes designates high habitat value areas as Open Space. With the acreage of habitat proposed for conservation and the implementation of the measures provided below, impacts to Special-status wildlife species would be less-than significant.

Pallid Bat. Direct impacts to this species, including incidental mortalities, may result from the removal of snags and older oak trees. Indirect impacts may include reduction of habitat as a result of construction and on-going reduction of habitat from residents removing trees before they can mature into snags.

Long-Eared Owl/Cooper's Hawk. These species may be directly impacted by the removal of trees and result in incidental mortality, loss of nests, and nesting habitat. Indirect impacts may include reduction of habitat as a result of construction and on-going reduction of habitat from residents removing trees.

California Red-Legged Frog/California Tiger Salamander. Direct impacts to these species are not likely, but may include possible incidental mortalities of tiger salamanders and red-legged frogs from construction activities around the seasonal pond/detention basin, and incidental mortality during the construction phase and long-term vehicular traffic associated with the subdivision. Indirect impacts may include changes in the hydrology and water quality of the site as a result of increased erosion, sedimentation, and runoff from landscaped areas. In addition, the proposed sediment ponds may allow for the colonization and continued presence of invasive, non-native predatory fish and frogs.

California Black Legless Lizard/California Horned Lizard. Direct impacts to these species may include incidental mortality from construction activities (e.g., grubbing and vegetation removal, entombment, and crushing). Indirect impacts may include permanent removal of habitat associated with construction of the project and ongoing disturbance from residential use of the area (i.e., more frequent interaction with humans).

Nesting raptors. These species may be significantly affected if construction occurs during the nesting season (approximately March to September). Nesting raptors are most likely to occur in the oak woodland portions of the project site. Impacts to these species are the same as and have been addressed in the discussion of the long-eared owl and the Cooper's hawk. The Open space zoning designations to be applied to the project and Reduced Project Alternative B disallow development on Lots 1, 2, 13, 17, 28-32, 34, and 37 reducing impacts to protected oak woodlands.

Direct impacts from the project on special-status wildlife could include inadvertent mortality during construction activities, mortality due to road kills, malicious or inadvertent harassment during construction, and disturbance from noise, lights, and ground vibrations in areas adjacent to construction sites. Indirect impacts on special-status wildlife species could include increased mortality due to the loss of foraging, nesting, and breeding habitat and ongoing disturbance from residential use of the area. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.4-12: During construction, no pets or firearms shall be permitted on construction sites so as to avoid harassment or killing of wildlife.

Mitigation Measure 4.4-13:

- a. A biological monitor shall conduct pre-construction surveys each morning prior to the initiation of construction activities. In addition, a biological monitor shall be on-site during all construction activities (lot clearing, grading, and tree removal) to monitor for special-status wildlife species. Prior to construction, a qualified biologist shall consult with the appropriate agencies to establish an agreed-upon plan of action in the event that these species are found on-site during construction. If federally listed species are observed all work shall stop and the USFWS shall be contacted.
- b. Comply with Recommendations 6-14 in the Bryan Mori Report (Appendix F of DEIR), Recommendations 1-14 requested by the USFW (Letter Appendix I of the DEIR), and/or implement equivalent measures identified through the ESA process.
- c. Initiate early coordination with the USFWS to ensure compliance with the federal Endangered Species Act for potential impacts to California red-legged frog and California tiger salamander. Construction of the project will require a Section 404 permit from the Corps. Through this permitting process, the Corps is required to comply with Section 7 of the federal ESA. The applicant is required to implement the recommendations of the above 4.4-13 b or equivalent measures identified through the ESA process in order to reduce potential impacts to a less-than-significant level.

Mitigation Measure 4.4-14: Pre-construction surveys for nesting raptors shall be performed prior to the initiation of any construction activities. If raptor nests are located during pre-construction surveys, a County Approved qualified biologist shall establish a 300-foot buffer around each nest for the duration of the breeding season (until such time as the young are fully fledged) to prevent nest harassment and brood mortality. If trees known to support raptor nests cannot be avoided, removal of these trees may only occur during the non-breeding season (August through February).

- 6l. **Biological Resources: Wetland Habitats (DEIR, Chapter 4.4): Impact 4.4-5:** Potential direct impacts to jurisdictional wetland habitats include fill or conversion of a total of approximately 0.22 acre for road improvements and culvert replacement work, and approximately 0.80 acre for construction of four detention basins using small, earthen dams and the restoration of an existing pond. These numbers are estimated based on the August 9, 2002 Vesting Tentative Map. Since detailed construction drawings were not available at the time that this EIR was prepared, the precise acreage of wetlands that would be permanently filled or converted is not known. Potential indirect impacts to wetlands can occur from changes in the hydrologic regime, degradation to water quality, and human disturbance. This can result in habitat conversion and provide an opportunity for invasive plant and wildlife species to replace natives. The creation of a conservation easement in perpetuity for the vast majority of the wetlands and the drainage area that surrounds it will help minimize impacts; however, this is still considered a significant impact.

The proposed project would result in the fill or conversion of approximately 1.02 acres of potentially jurisdictional wetland habitats. The project could have indirect impacts to wetlands from inadequate buffers, changes in the hydrologic regime, degradation to water

quality, and human disturbance. Reduced Project Alternative B avoids or lessens development impact in these areas as development would be disallowed on lots 1, 2, 13, 34, and 37. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.4-15: Prior to the fill of any jurisdictional wetlands, the developer shall comply with the Corps permitting program pursuant to Section 404 of the Clean Water Act. This includes obtaining a water quality certification from the RWQCB pursuant to Section 401 of the Clean Water Act.

Mitigation Measure 4.4-16: Prior to the initiation of pond enhancement and construction activities affecting drainage areas, the developer shall obtain a Section 1603 Streambed Alteration Agreement from CDFG.

Mitigation Measure 4.4-17: The developer shall retain a qualified biologist to prepare a Wetland Mitigation and Monitoring Plan, subject to review and approval by the Army Corps of Engineers (Corps), RWQCB, and CDFG prior to the initiation of construction activities. This plan shall incorporate the following elements:

- Pre-construction, construction phase, and post-construction mitigation measures included in the Corps, CDFG, and RWQCB permits and this document.
- Mitigation for permanently filled or converted wetland at a ratio of 2:1 on-site or 3:1 off-site. Purchasing credits at a mitigation bank would be permissible.
- If credits are not purchased, mitigation monitoring components shall be developed to measure success; and adaptive management options.
- Outline an appropriate funding mechanism to support the monitoring and adaptive management.

Mitigation Measure 4.4-18: A buffer zone of at least 50 feet from the edge of the jurisdictional areas shall be created. This buffer, along with all the jurisdictional areas, shall constitute the central drainage easement proposed by the developer. All construction including roads, building pads and utilities building shall be redesigned to be placed beyond this buffer.

Mitigation Measure 4.4-19: All jurisdictional areas shall be placed in the above defined easement.

Mitigation Measure 4.4-20: The redesigned drainage easement shall be fenced before the initiation of construction activities, and access points to the detention ponds minimized and marked.

- 6m. **Biological Resources: Pond Restoration (DEIR, Chapter 4.4): Impact 4.4-6:** The applicant proposes to restore the seasonal pond area located in the center of the eastern parcel and create three additional detention ponds. Three of the four ponds will be located in conservation easements and have the potential to provide increased wildlife habitat and improve water quality along the drainage that runs through the property. Currently, the existing pond provides only marginal wildlife habitat due to sedimentation from development higher in the drainage. Removal of this sediment would likely improve

hydrologic conditions for wildlife species such as the California tiger salamander and the California red-legged frog. Direct negative impacts from the restoration of the ponds could include incidental mortality from the construction activities, such as grading and excavation. Indirect impacts to special-status wildlife species could be considerable if the ponds provide habitat for predatory, non-native species that currently are not found on the site, including the bull frog and certain fish species. The introduction of these species into the area as a result of the creation of detention ponds would likely have significant impacts on the amphibian special-status species in the area and preclude the future use of the site by these species.

The restoration and creation of detention ponds could have direct impacts on vegetation and wildlife species associated with grading and excavation. Indirect impacts may include providing habitat that would introduce and support non-native, predatory wildlife species. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.4-21: The developer shall retain a County approved qualified biologist to prepare a Pond Mitigation and Monitoring Plan, applicable to the proposed ponds and the existing pond that is consistent with measures outlined in letters received from CDFG and USFWS (see Appendix I). This plan shall include the following components:

- Measures to control sedimentation and reduce refilling of the ponds with sediment.
- Excavation of the ponds and appropriate placement of the excavated material.
- Measures and management components to ensure the ponds retain water for at least six months, but do not retain water all year.
- Design of a spillway to prevent future beaching of the pond.
- Measures for revegetation with locally-occurring native species in all areas disturbed by the restoration activities.
- A monitoring plan that contains success criteria and adaptive management measures if those criteria are not met.
- A funding mechanism for the monitoring and adaptive management components of the plan.

- 6n. **Biological Resources: Maritime Chaparral (DEIR, Chapter 4.4): Impact 4.4-7:** Maritime chaparral has been identified by the County of Monterey and the CDFG as a sensitive habitat due to its limited distribution and the high number of special-status species associated with the habitat. As part of the proposed project design, approximately 31.5 acres (80%) of the existing chaparral habitat on the site will be placed in a conservation easement in perpetuity; however, the remaining chaparral will be removed.

The proposed project would result in the removal of 7.4 acres of maritime chaparral. Potential indirect impacts to the maritime chaparral habitat include increased proximity to disturbance and non-native invasive plants.

Reduced Project Alternative B avoids development impact in these areas as development would be disallowed on lots 17, 27, 28, 29, 30, 31, 32 and reconfigures the lot patterns for 18, 19, 20, 21, and 22 to maritime chaparral impacts; these areas are to be placed in

Open Space. Avoidance under the scenario of Reduced Project Alternative B is seen as the preferred project alternative. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.4-22: The developer shall implement the Maritime Chaparral Management and Enhancement Plan identified as mitigation in the Special-Status Plant Species section (Mitigation Measure 4.4-9).

60. **Cultural Resources (DEIR, Chapter 4.5) Impact 4.5-1:** A preliminary archaeological reconnaissance of the project site was conducted by Archaeological Consulting in March 2002, which included an examination of the archaeological site records, maps, and project files of the Northwest Regional Information Center of the California Archaeological Inventory, as well as a field reconnaissance of the project area. The background research for this project included an examination of the archaeological site records, maps, and project files of the Northwest Regional Information Center of the California Archaeological Inventory, located at Sonoma State University, Rohnert Park, California. Archaeological Consulting also examined extensive personal files and maps for supplemental information.

Based on the background research and surface reconnaissance, the project area does not contain evidence of any potentially significant cultural resources. However, it is possible that unidentified (buried) cultural resources may be uncovered and disturbed during construction. With the following mitigation measure, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.5-1: If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be developed and implemented according to Section 15064.5 of CEQA.

- 6p. **Aesthetics / Viewshed (DEIR, Chapter 4.6) Impact 4.6-1:** Views of the project site are available primarily from within the project boundaries and directly adjacent parcels. Thick vegetation and variable topography prevent views from surrounding roads. The site can be seen from the higher points along the ridges that surround the project. The project proposes 38 residential lots ranging in size from 1.01 acres to 16.37 acres. About 64 acres of the site will be preserved in a conservation easement. Site development will include grading for building pads, driveways, and improvements to Carlsen Road. The project will remove approximately 450 trees. The project will alter the visual character of the site by causing moderate changes in topography, and removing trees and other vegetation. Future development of homes is proposed on the relatively gently sloping hillside on the north side of the valley, and will not rise above the ridge line. In addition, all removed trees will be replaced at a ratio of 1:1, as required by Monterey County and the Forest Management Plan. Despite these measures, the project will result in a significant, permanent change in the existing rural viewshed.

Development of the project will significantly impact the existing visual character of the site by transforming a predominately natural hillside into a more urbanized subdivision. With the following mitigation measure, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.6-1: Residential buildings shall be designed to fit the topography of the lot, using stepped foundations or other techniques, subject to the approval of the Monterey County RMA - Planning Department.

Mitigation Measure 4.6-2: All grading on residential lots shall be limited to minimize visual impacts, subject to the approval of the Monterey County RMA - Planning Department.

Mitigation Measure 4.6-3: The property owner(s) shall provide landscape screening, appropriate to the surrounding area, to integrate the new residences into the site, subject to the approval of the Monterey County RMA - Planning Department.

Mitigation Measure 4.6-4: All new water tanks shall be screened with vegetation and painted in earth tones.

- 6q. **Traffic and Circulation: Project level and Cumulative (DEIR, Chapter 4.7) Impact 4.7-1:** The project proposes the creation of 35 new residential lots, with the potential for future development of 36 new residences. Based on the trip generation rates provided by the Institute of Traffic Engineers, the low-density residential uses proposed by the project will generate 9.57 daily trips per unit. The project is expected to generate a total of 345 daily trips, with 27 trips during the morning peak hour and 36 trips during the afternoon peak hour. Project traffic was distributed on Highway 101 north (25%), Highway 101 south (45%), Highway 156 west (15%), Prunetree Commercial Center via Highway 101 (5%), Prunetree Commercial Center via Oak Road (5%), and Vierra Canyon Road (5%).

With the addition of project traffic, the intersections of Berta Canyon Road/Highway 101, Berta Canyon Road/Oak Road, Vierra Canyon Road/Oak Road, and Vierra Canyon Road/Highway 156 will continue to operate at acceptable levels of service (at or above LOS C). Although the intersection of Berta Canyon Road/Highway 101 would operate at an acceptable level of service, nearly all of the project's northbound Highway 101 inbound traffic would utilize this intersection, adding 10 vehicle trips to the existing 48, for a total of 58 trips during the PM peak hour.

The project would increase the traffic trips at the intersection of Berta Canyon Road/Highway 101, which requires quick deceleration/acceleration to exit and enter northbound highway traffic. Reduced Project Alternative B reduces potential traffic impacts to only those created by 26 units instead of 36 new units. Mitigation 4.7-1 requires the installation of a streetlight (i.e. street lamp) to improve sighting during evening hours. Due to current physical constraints improvements to rectify hazardous conditions at the highway 101/Berta Canyon Road intersection are limited. Recent improvements to this area have included the addition of an acceleration lane on Highway 101 at Berta Canyon Road, which has improved safety and traffic operations at this location. With adoption of Reduced Project Alternative B and the following mitigation

measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.7-1: Install a streetlight at the intersection of Berta Canyon Road/Highway 101.

- 6r. **Traffic and Circulation: Project level and Cumulative (DEIR, Chapter 4.7) Impact 4.7-2:** The intersection of Berta Canyon Road/Oak Road and Berta Canyon Road/Carlsen Road will operate at LOS A under existing plus project conditions. However, the project will increase vehicular traffic at both intersections, which are currently uncontrolled. Improvements are recommended to reduce potential hazards at the intersection of these roads.

The increase in traffic at Berta Canyon Road/Carlsen Road could result in potential hazards if the intersections remained uncontrolled. Reduced Project Alternative B reduces potential traffic impacts to only those created by 26 units instead of 36 new units. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.7-2: Install a stop sign with appropriate advance warning and pavement markings on the northbound Carlsen Road approach to Berta Canyon Road.

Mitigation Measure 4.7-3: Install a stop sign with appropriate advance warning and pavement markings at the Oak Road approach to Berta Canyon Road.

- 6s. **Traffic and Circulation: Project level and Cumulative (DEIR, Chapter 4.7) Impact 4.7-3:** The project will increase the volume of daily traffic volumes on the local roadway network. The increases for the studied segments are as follows:

- Berta Canyon Road west of Carlsen Road 200 vehicles (36%)
- Berta Canyon Road east of Carlsen Road 160 vehicles (21%)
- Oak Road 110 vehicles (9%)
- Vierra Canyon Road between Oak Road and Highway 156 140 vehicles (4%)
- Vierra Canyon Road between Highways 156 and 101 70 vehicles (1%)
- Vierra Canyon Road east of Oak Road 20 vehicles (1%)
- Highway 101, south of Berta Canyon Road 160 vehicles (.03%)
- Highway 101, between Berta Canyon Road and Highway 156 160 vehicles (.03%)
- Highway 101, north of Highway 156 120 vehicles (.01%)

The levels of service on all of the study roadway segments would remain at acceptable levels of service with the addition of project traffic, with the exception of Highway 101 north of Highway 156. Along this segment, levels of service would remain at LOS F along Highway 101 north of Highway 156. This is due primarily to congestion and delay associated with side street traffic movements. Based on Monterey County Public Works policy, if a roadway segment is already operating at LOS F, any increase (i.e., one vehicle or more) is considered significant.

The project would increase traffic on Highway 101, north of Highway 156, which currently operates at LOS F. Reduced Project Alternative B reduces potential traffic impacts to only those created by 24 new units instead of 36 new units. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.7-4: Prior to issuance of a building permit, the applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study.

- 6t. **Traffic and Circulation: Project level and Cumulative (DEIR, Chapter 4.7) Impact 4.7-4:** Hexagon Transportation Consultants conducted a peer review of the traffic analysis prepared by Higgins Associates. Hexagon recommended that Berta Canyon Road, a public street, be widened to meet County standards. According to County classifications, Berta Canyon Road meets the definition of a “tertiary street,” which typically requires two 17-foot lanes. Berta Canyon Road is 21 feet wide, which barely provides adequate space for two vehicles to pass. A wider roadway is needed to accommodate the ongoing increase in traffic volumes on the street.

The project would increase the traffic volumes on Berta Canyon Road, which is not wide enough to accommodate the additional trips. Reduced Project Alternative B reduces potential traffic impacts to only those created by 26 units instead of 36 new units. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.7-5: Subdivider shall widen Berta Canyon Road to a width of 34’ between Highway 101 and the project entrance, subject to the approval of the Department of Public Works. Subdivider shall be responsible for obtaining all required permits and environmental clearances. Subdivider may enter into an agreement with the County for reimbursement from future development benefiting from this improvement. In the event that the subdivider notifies the County that it is unable to secure required right-of-way at fair market value, the County shall, after verifying the landowners’ rejection of Subdivider’s bonafide offer to purchase the required property interests at a price established by a County approved appraiser for condemnation appraisals, shall acquire the land or right-of-way through negotiation or eminent domain. Subdivider shall fund the cost of the County’s acquisition and related court proceedings.

- 6u. **Traffic and Circulation: Project level and Cumulative (DEIR, Chapter 4.7) Impact 4.7-5:** The sight distance for vehicles merging onto Highway 101 from Berta Canyon Road, even with an acceleration lane, is currently inadequate. This is caused by the vertical alignment of Highway 101 and the speed of oncoming traffic. The acceleration lane cannot be lengthened due to the intersection’s proximity to the Highway 156 ramps just north of Berta Canyon Road. In addition, traffic approaching Highway 101 from Berta Canyon Road lacks sufficient site distance for stopping. Because of these constraints, traffic would have to be routed to another Highway 101 on-ramp to maintain safe merging conditions and avoid additional traffic impacts to this area.

The merging lane from Berta Canyon Road onto Highway 101 does not have enough site distance to allow safe merging with northbound traffic. Reduced Project Alternative B reduces potential traffic impacts to only those created by 26 units instead of 36 new units. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.7-6: As drivers are free to take alternate routes (e.g., Oak Road or Vierra Canyon Road) other than the Berta Canyon Road/Highway 101 intersection, these constraints do not represent a significant impact and no additional mitigation is required.

- 6v. **Noise: Construction Related Impacts (DEIR, Chapter 4.8) Impact 4.8-1:** Noise receptors in the vicinity of the project include some single-family residences along Berta Canyon Road, the nearest being approximately one-third mile north and east of the project site. There is a residence on the parcel separating the middle and eastern project parcels, and there is a veterinary clinic approximately one-quarter mile west of the project site. In addition, the two residences that already exist on the property would be sensitive receptors.

Existing residences in the project area would be exposed to short-term noise impacts during construction. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.8-1: Construction activities shall be restricted to the hours of 8:00 AM to 7:00 PM Monday through Saturday. Equipment maintenance and servicing shall be confined to the same hours.

Mitigation Measure 4.8-2: All construction equipment utilizing internal combustion engines shall be required to have mufflers which are in good condition. 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.

Mitigation Measure 4.8-3: Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible.

- 6x. **Air Quality: Construction Clearing and Grading (DEIR, Chapter 4.9) Impact 4.9-1:** The major construction related air quality impacts associated with the proposed project would be due to dust generated by equipment and vehicles and construction vehicle emissions. Construction related impacts will be restricted to those areas under construction at any one time and are generally intermittent and temporary. This project is assumed to use only typical construction equipment such as dump trucks, scrapers, bulldozers, compactors and front-end loaders. Use of these types of equipment/vehicles will result in temporary emissions of ozone precursors (i.e., NO_x and VOCs); however, these emissions are accommodated in the emission inventory of the State- and Federally-required air plans and would not have a significant impact on the attainment and maintenance of ozone AAQS.

Fugitive dust is emitted both during construction activity and as a result of wind erosion over exposed earth surfaces. Clearing and grading activities may comprise the major source of construction dust emissions, but traffic and general disturbance of the soil also generate substantial dust emissions. The effects of construction activities would be increased dustfall and locally elevated levels of suspended particulates. Construction dust impacts are extremely variable, being dependent on wind speed, soil type, soil moisture, the type of construction.

The project will result in short-term and intermittent localized increase in dust and exhaust emissions while clearing and grading operations occur. Because the schedule for construction and grading is not known, it is assumed that the threshold of 82 lbs per day of PM₁₀ emissions may be exceeded on one or more days of construction activity. With the following mitigation measure, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.9-1: No more than 2.2 acres of grading or excavation and no more than 8.1 acres of earthmoving shall occur in one day. Dust control measures, as recommended by the Monterey Bay Unified Air Pollution Control District and required by State law, shall be implemented by the project applicant to ensure PM₁₀ emissions do not exceed thresholds. These include:

- Provide equipment and manpower for watering all exposed or disturbed earth surfaces at least twice daily. Increased watering frequency should be required whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. As required by State law, trucks transporting fill material to and from the project site shall be covered.
- Sweep mud and dust from construction areas and streets daily or as needed.
- Minimize the area of land disturbed at any time. After clearing, grading or excavation is completed, landscape or cover those portions of the site immediately.

- 6y. **Water Supply and Hydrology (DEIR, Chapter 4.10) Impact 4.10-1:** Although the project site would still have a net groundwater contribution to recharge (51.9AF/yr), the project would result in a net reduction of about 6.8 AF/yr, or roughly 12%, in the annual amount of groundwater recharge occurring in the project area when compared to pre-project conditions.

The project's addition of water demand would reduce the localized recharge in the project area by 6.8 AF/yr or approximately a 12% reduction in the annual amount of groundwater recharge presently occurring in the project area. According to the *Standards of Significance from the State CEQA Guidelines*, and agency and professional standards, a project impact may be considered significant if the project would substantially deplete the groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been

granted); or have insufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements.

The North Monterey County hydrogeologic area is considered in overdraft and therefore reductions in groundwater recharge would further result in decline in the groundwater balance. In the short-term, the proposed project would aggravate groundwater declines in the North Monterey County due to increased pumping and reduction in groundwater recharge identified above. Several factors serve to reduce the significance of this decrease in the groundwater balance (these items are reflected in the mitigation measures following this discussion). The *1995 North Monterey County Hydrogeologic Study* estimated the sustainable yield of the Highland South subarea to be roughly 630 AF/yr. The reduction of groundwater recharge in this subarea would be approximately 1% of the sustainable yield of the subarea. In itself, this is not considered significant but the project reduction in groundwater recharge would contribute to the overall reduction in recharge occurring in the area.

Reduced Project Alternative B reduces water demand impacts to those created by 26 units instead of 36 new units. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.10-1: The proposed project shall pay all applicable water impact fees to the Monterey County Water Resources Agency in accordance with Monterey County Code 18.51.

Mitigation Measure 4.10-2: Install low-flow plumbing fixtures in all new residences. Additionally, there shall be no more than one single-family dwelling unit per lot in this subdivision. Auxiliary units (such as second units, caretaker units and senior units) on lots are prohibited to reduce water usage.

Mitigation Measure 4.10-3: Use native, drought-resistant vegetation and drip irrigation for all landscaping. Limit the area of landscaping for each residence per code.

Mitigation Measure 4.10-4: The percolation ponds shall be sized to, minimize the net reduction of recharge on the site as identified in this FEIR and per the requirements of Monterey County Water Resources Agency, Monterey County RMA - Planning Department and the Monterey County Division of Environmental Health. Prior to the approval of the final map, a report identifying the final design of the percolation ponds and recharge facilities shall be submitted to the Monterey County Water Resources Agency, Monterey County RMA - Planning Department and the Monterey County Division of Environmental Health for peer review by a qualified engineer to confirm that the recharge and infiltration engineered in the plan will minimize the net reduction of recharge on the site as identified in this FEIR.

Mitigation Measure 4.10-5: The final design of the stormwater facilities shall provide a maintenance plan, to be approved by the Monterey County Water Resources Agency, consistent with Mitigation 4.3.2 (“4.3-2 Prior to recordation of the Final Map, the applicant shall prepare a plan for ongoing inspection, monitoring and maintenance of site

drainage facilities, including all measures used for infiltration and water quality control. The plan shall detail the required maintenance work and frequency, as well as the responsible party (or parties) and funding source to assure that the necessary work is performed.”

Mitigation Measure 4.10-6: The maintenance plan shall be submitted for review and approval by the Monterey County Water Agency as a condition of Final Map approval.

Mitigation Measure 4.10-7: The maintenance plan also should include at a minimum the following:

- Inspection of facilities following any major storm event and removal of accumulated sediments;
- Weekly inspection of the facilities while the project is under construction and during the rainy season (October through April).

Mitigation Measure 4.10-8: Development in the subdivision shall be phased to ensure that the estimates for water consumption included in the hydrologic report are not exceeded. The applicant shall submit an annual water audit report to MCWRA prepared by a qualified engineer. The compliance and monitoring reporting system must be approved by the MCWRA, EHD and RMA Planning Department prior to the approval of the final map for this project. The report shall demonstrate the water use for each of the homes for which building permits have been issued. Prior to the issuance of building permits for the last 25% of the lots approved in the subdivision, the applicant shall demonstrate that the actual water use for homes already permitted does not exceed the proportional use projected in the hydrologic report. If demand has exceeded that estimate, the applicant shall demonstrate to the satisfaction of the MCWRA and RMA Planning Department that additional reductions will be attained through the imposition of measures included, but not limited to limitations on landscaping, limitations on fixture counts, installation of more water efficient appliances or funding of low water use fixtures in non-project homes in the project area.

- 6z. **Wastewater Disposal (DEIR, Chapter 4.11) Impact 4.11-1:** On identified lots, Monterey County Environmental Health has not accepted testing results or confirmed that all of the proposed leach field systems will be able to comply with Monterey County standards (Depth to Groundwater requiring a 10-foot vertical separation and setback requirement for natural drainage channels). If requirements cannot be shown to be met to the acceptance of MCEHD, these lots should be merged or eliminated.

Reduced Project Alternative B reduces wastewater disposal impacts to only those created by 24 units instead of 36 new units and almost negates the need for the following mitigation. With adoption of Reduced Project Alternative B and the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.11-1: The subdivider shall perform additional soils and percolation tests on lots indicated in the Environmental Health conditions. Lots not meeting requirements of the Monterey County Code shall be merged with adjoining lots. Additional Conditions include:

- The percolation tests shall meet the requirements of MCC 15.20. Lots that exceed the percolation rate of 60 minutes per inch per MCC 15.20 shall be merged with adjoining lots.
- The septic system design for all lots in this subdivision shall be designed to comply with Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. Maximum five (5) foot flows shall be required per MCC 15.20.
- As necessary, if disposal of subsurface water from onsite impervious surfaces for individual lots is proposed via dissipation trenches, submit plans for surface and subsurface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB.
- Submit an engineered curtain drain system and engineered wastewater disposal system for 6, 7, 8, and 9, as designated by Tunstall Engineering Consultants, Inc Percolation Map plotted on July 19, 2006 to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. Primary and secondary drainfields shall be installed at initial construction.
- All Geotechnical Reports required for the Percolation / Detention Ponds shall identify and evaluate any adverse impacts to adjacent onsite wastewater treatment systems. If the Geotechnical Report requires additional setbacks greater than one-hundred (100) feet from each septic envelope to each detention pond or percolation / retention pond for this subdivision, then the subdivider shall follow the recommendations as stated in the Geotechnical Reports. However, the minimum setback of one-hundred (100) feet shall be maintained.
- The applicant's engineer shall be required to verify the flow line of existing creek as the approximate high water mark for the area in order to confirm compliance with MCEHD setbacks per County Code. If requirements cannot be shown to be met to the acceptance of MCEHD, these lots should be revised to provide for the setback or be merged or eliminated.

6AA. Wastewater Disposal (DEIR, Chapter 4.11) Impact 4.11-2: The project proposes 38 leach fields which will potentially increase nitrate concentrations in the Prunedale area. Higher concentrations of nitrates have impacted small water systems, thereby requiring the construction of replacement wells to obtain water that meets drinking water standards. Reduced Project Alternative B reduces residential development by 1/3, therefore reducing the potential for increased nitrate concentrations by 1/3. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.11-2: The water purveyor, Pajaro Sunny Mesa Community Services District shall retain the water rights for this subdivision. In order to enhance the groundwater quality management, no private domestic wells shall be drilled within this subdivision. No on site wells shall be allowed to serve the project. The applicant shall destroy the existing well(s) on lot 15 and lot 33 according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The applicant shall comply with all requirements of Director of

Environmental Health for compliance with Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB.

- 6BB. Public Services: Parks/Recreation (DEIR, Chapter 4.12) Impact 4.12-1:** The Monterey County Code, Title 19, Subdivision Ordinance, Section 19.12.010 Recreation Requirements includes a condition of approval for a Tentative Subdivision Map calling for three acres of park land for every 1,000 persons residing within the unincorporated area of the County, to be used for local park and recreational purposes. By County Ordinance, park land requirements are formulated based on 3 persons per dwelling unit. Based on this formula, future development of the project's 36 new residential lots would add 108 residents and would require the creation of approximately 0.32 acres of dedicated land for recreational purposes, or a fee in lieu of land dedication.

The proposed project was designed to include the protection of sensitive species and habitat in 63.68 acres of open space. The dedication of the existing equestrian trail would provide for passive recreational use with minimal impact to the surrounding habitat. The building envelopes of each lot have been placed so as to create the least amount of impact to these sensitive areas. Thus, the payment of a fee for the purpose of providing active recreational land in the area is appropriate mitigation given the site constraints for developing a park, including topography, presence of sensitive biological resources and the planned building envelopes.

Future development of the project's 36 new residential lots would add approximately 108 new residents to the Prunedale area, which requires the creation of 0.32 acres of dedicated land for recreational purposes, or a fee in lieu of land dedication. Reduced Project Alternative B would lessen the in-lieu fee required of the applicant as 26 new residential lots would equate to approximately 78 new residents. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 4.12-1: The project applicant shall make a fee payment in lieu of land dedication for recreational purposes, the amount of which shall be determined by the County.

- 6CC. Cumulative Impacts (DEIR, Chapter 5.0) Impact 5.0-1:** Development impact fees are permitted under the Mitigation Fee Act (Government Code Sections 66000-66025), which establishes requirements for nexus, proportionality, and procedure. Ad hoc fees are specifically allowed by Government Code Section 66000(a). The fee is dependent on the extent to which the development would adversely affect traffic. Cumulative traffic impacts for this project are addressed through Mitigation 4.7-4 requiring the project to pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study.

CEQA Guidelines section 15130(a)(3) allows the payment of a fair share fee towards measures necessary to mitigate cumulative impact to reduce the project's contribution to the cumulative impact to a less than significant level. In *Save Our Peninsula Committee v. Monterey County Board of Supervisors* ("September Ranch"), The California Appellate Court held that fees associated with an adopted improvement program could be used to

mitigate cumulative or project level impacts. In order to mitigate for impacts to congested roads and intersections, the project shall pay a pro-rata share of the cumulative improvements necessary to maintain acceptable levels of service at the intersections and roadway segments affected by project traffic as identified in project conditions. These pro-rata share costs shall be based on the project's contribution as a share of traffic volumes using the TAMC nexus study, consistent with the methodology used for similar area projects.

The project would contribute to increased vehicular traffic on the local roadway network under cumulative conditions. Adoption of Reduced Project Alternative B would have less of an impact on cumulative conditions than those associated with the full project. With the following mitigation measures, based on the Final EIR and the record as a whole, the Planning Commission finds that this impact has been reduced to less than significant.

Mitigation Measure 5.0-1: Implement the mitigation identified under project conditions.

Mitigation Measure 5.0-2: The project shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study.

7. **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 and consultant analysis contained in the Draft Environmental Impact Report 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.

8. **FINDING: SUBDIVISION FINDINGS FOR REDUCED PROJECT ALTERNATIVE B.** None of the findings found in Section 19.05.055 B of the Subdivision Ordinance can be made for the Carlsen Estates Vesting Tentative Map configured as Reduced Project Alternative B.

EVIDENCE:

- (a) Planning staff has analyzed the project against the findings for denial outlined in Section 19.05.055 B. This section requires that the subdivision be denied if any one of the following findings are made:
1. The proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan.
 2. That the design or improvements of the proposed subdivision is not consistent the applicable general plan, area plan, coastal land use plan, master plan or specific plan.
 3. That the site is not physically suitable for the type of development.
 4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title (Title 19).

Staff has determined that none of these findings requiring denial can be made for the Reduced Project Alternative B for the Carlsen Estates proposal; the reduced project is supportable under the Monterey County Subdivision Ordinance.

- (b) The property provides for adequate building sites as evidenced by the application materials submitted for the site.
- (c) The application, plans, and support materials, including the technical reports submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development. The reports are included in the appendix to the DEIR. The reports concluded the proposed development is suitable for the site, subject to environmental protections/mitigations and recommendations for construction. Staff has determined in review of the whole record that Reduced Project Alternative B is the best mitigation and environmental protection to assure the development's suitability with the constraints of the site.
- (d) Project planners and County staff have conducted numerous site inspections between 1999 when the initial Carlsen Estates application was submitted, to the present in 2007 to determine the degree of development and carrying capacity of the subject property.
- (e) See Preceding Evidence for Findings above.

- 9. FINDING: INCLUSIONARY HOUSING.** That in approving the final map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: The applicant will be required to comply with Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance).

- 10. FINDING: USE PERMIT FOR TREE REMOVAL.** The tree removal under the scenario of Reduced Project Alternative B is the minimum required under the circumstances of the case. The removal will not involve a risk of adverse environmental impacts, as fully described in Monterey County Code Section 21.64.260.D.5, such as soil erosion, impacts to water quality, ecological impacts, increases in noise pollution, reduce the ability of vegetation to reduce wind velocities, or significantly reduce available habitat.

EVIDENCE:

- (a) Administrative record, including material in RMA - Planning Department files PLN990001 and PLN000196.
- (b) Forest Management Plan for Carlsen Estates Subdivision prepared by Webster and Associates (April 3, 2000).
- (c) Site visits by staff from the RMA - Planning Department and Monterey County's EIR consultant.
- (d) Approval of the Reduced Project Alternative B reduces potential impacts to these protected resources by disallowing development on proposed lots 1, 2, 13, 17, 27-32, 34, and 37 and lessens development on Lots 18-22.
- (e) Draft EIR, dated November 2004, Sections 4.4. Mitigation measures have been recommended in the Draft EIR, and incorporated as project conditions of approval, to minimize biological, soil, and aesthetic impacts related to the proposed tree removal.
- (f) See Findings and Evidence 6i. above and the associated mitigation measures.

11. FINDING: NO VIOLATIONS. The subject property is in compliance with the rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

EVIDENCE:

- (a) Outstanding from 1999 to the present has been resolution of the Code Enforcement case CE99063 on the subject property. This case has two parts: one relating to the water storage tanks on the southern portion of the eastern parcel, and the other relating to unpermitted additions (in 2004) to the single family residence also on the eastern parcel. Both of these issues have now been addressed by the applicant and Code Enforcement staff.
- (b) Water Storage Tanks It has been determined by the Chief of Code Enforcement, Bill Dunn that the water tanks on the Paco LLC property (Carlsen Estates) were installed by Alco Water as part of the Grey Eagle utility extension and or projected development in the area. The tanks rest on a utility easement granted by the owner to Alco Water. The Alco Water system is presently under the jurisdiction of the court and a sale of the system is anticipated as ordered by the court. The utility water system is presently *operated* by Pajaro Sunny Mesa but not *owned* by Pajaro Sunny Mesa, thus any decisions respecting the use of the tanks is within the purview of the court. The tanks are not in use and have not been completed to implement their use. According to Mr. Dunn, the water tank installation as an extension of a public utility has preemptions from County land use permitting requirements resting with the Public Utilities Commission and case law. For the purposes of this case this issue will be handled as a separate investigation and is removed as an issue to be addressed separately from the Carlsen Estates subdivision development proposal
- (c) Unpermitted additions to the single family residence The applicant has continued to make progress with the building permit applications to legalize the as-built addition/remodel, retaining wall, and plan for removal of an unpermitted accessory structure. Three building permit applications

were submitted June 21, 2007 to rectify the matter: BP071538, BP071539, and BP071540). Once approved and issued, inspections will follow.

- (d) Code Enforcement staff is preparing a Compliance Agreement for the applicant's signature to assure that the outstanding code issues will be resolved by the applicant in a diligent manner.
- (e) Conventions such as Compliance Agreements are typically used by Monterey County to correct code violations in a comprehensive manner.
- (f) Staff has included a new condition of approval (Condition #7 in **Exhibit D** of the August 29, 2007 staff report) that ties back to the Compliance Agreement requiring complete resolution and retirement of the Notice of Violation on the property prior to Recordation of the Final Map.
- (g) Code violations must be resolved prior to action by the Appropriate Authority (the Planning Commission) according to the Monterey County Code (Title 21, Section 21.84.120). A Compliance Agreement serves to resolve the matter.

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

EVIDENCE:

- (a) The project as described in the application and accompanying materials was reviewed by the Planning Department, Environmental Health Division, Public Works Department, North County Fire Protection District, Water Resources Agency, Sheriff's Office and Housing and Redevelopment Division. 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.
- (b) File and application materials, and Draft Environmental Impact Report with mitigation measures, in the project file PLN000196.
- (c) Preceding findings and supporting evidence.

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

EVIDENCE: The Monterey County Zoning Ordinance Title 21, Chapter 21.80.040D. and Title 19 Subdivision Ordinance, Section 19.16.020.

Exhibit D
Resource Management Agency (RMA) - Planning
Department Conditions of Approval and mitigation
Monitoring Reporting Plan

Project Name: Carlsen Estates

File No: PLN000196 **APNs:** 125-051-005, 125-051-008-000, and
125-051-017-000

Approval by: Planning Commission **Date:** August 29, 2007

**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>
2.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN000196) allows; 1) A Standard Subdivision Vesting Tentative Map for the division of three parcels totaling approximately 96.37-acres into the <u>26 lot Reduced Project Alternative B configuration</u> described in the FEIR for the Carlsen Estates project, and 2) A Use Permit for removal of approximately 449 oaks over 6 inches in diameter (no oaks to be removed on excluded parcels 1, 2, 14, 34, 37 from Reduced Project Alternative B) ; and 3) A Use Permit for expansion of a public water system; and Grading of approximately 6,400 cubic yards (3,100 cubic yards cut and 3,300 cubic yards of fill). The property is located at 60 and 80 Carlsen Road, southerly of Berta Canyon Road, Prunedale. (Assessor's Parcel Numbers: 125-051-005-000, 125-051-008-000, and 125-051-017-000) North County Non-Coastal Area.</p> <p>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</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>Note: The Specific Uses and project approval described here are meant to reflect approval of the Reduced Project Alternative B. This alternative will require the applicant to redraw the Vesting Tentative Map prior to recordation of final to reflect a project reduced to 26 lots (or fewer) from an initial proposed 38 lots. There will be fewer trees than 449 potentially impacted as five tree covered lots are not suitable for development. Accordingly the expansion of the public water system will have fewer connections than those proposed by the applicant.</p>	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		met to the satisfaction of the Director of RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA – Planning Department)				
3.		PDSP01 - NOTICE-PERMIT APPROVAL (NON-STANDARD) The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 125-051-005-000, 125-051-008-000, and 125-051-017-000 on August 29, 2007. The permit was granted subject to 146 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 Planning prior to issuance of building permits or commencement of the use. (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA Planning Department.	Owner/ Applicant	Prior to Recordation of the Final Map	
			A note containing the entirety of this Permit Approval Notice condition shall be placed on the final map to be recorded.	Applicant / Engineer	Prior to Recordation of the Final Map	
4.		PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of	

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)
		<p>its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>		<p>building permits, use of the property, filing of the final map, whichever occurs first and as applicable</p>	
5.		<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Within 5 working days of project approval.</p>	

<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>
		approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
6.		PD006 MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		PDSP02 - RESOLUTION OF CODE ISSUES (NON-STANDARD) Three building permit applications were submitted June 21, 2007 to rectify the outstanding Code Enforcement matter on the eastern parcel of the subject property: BP071538, BP071539, and BP071540. The applicant must maintain a diligent pursuit of completing the necessary plans and inspections for these Building Permits. To further assure compliance with County Codes, a	To assure that no violations exist on the subject property the Applicant shall bring the subject property into compliance with all county codes, prior to Recordation of the Final Map.	Owner/ Applicant	Prior to Recordation of the Final Map	

<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 Agreement may be entered into between the County of Monterey Code Enforcement Division and the applicant to resolve the matter. If necessary, Prior to Map Recordation all conditions and requirements of a Compliance Agreement for 80 Carlsen Road shall be resolved, the Notice of Violation removed, and the subject property brought into compliance with all county codes. (RMA – Planning Department)				
8.		PDSP03 REZONE PORTIONS OF THE SUBJECT PROPERTY: ADD THE “O” (OPEN SPACE) AND “B-6” (FURTHER SUBDIVISION RESTRICTION) IN ACCORDANCE WITH REDUCED PROJECT ALTERNATIVE B (NON-STANDARD) Prior to recordation of the Final Map, the applicant shall request in writing that the subject property, presently zoned LDR/2.5 be rezoned by applying the “O” Open Space zoning designation to those high value habitat, wetland and conservation areas as shown in the Reduced Project Alternative B Exhibit to the August 29, 2007 staff report, and that a B-6 subdivision restriction overlay zoning designation be applied to the remainder of the Carlsen Estates subdivision. (RMA - Planning Department)	Applicant shall submit an application to the County of Monterey to rezone the property so that portions of the property would be rezoned from “LDR/2.5” to “O.” The balance of the property would add the “B-6” designation for a resulting “LDR/2.5 B-6.” In accordance with the Reduced Project Alternative B Exhibit to the August 29, 2007 staff report.	Applicant / Subdivider	Prior to Recordation of the Final Map	
			Following recordation of the Final Map, RMA Planning Department staff will prepare a report and exhibits for review by the Planning Commission and Board of Supervisors with a recommendation to apply the zoning designation modifications as described.	RMA Planning Department Staff	Following Recordation of the Final Map.	
9.		PDSP04 - FINAL MAP TO SHOW SCENIC EASEMENTS - DOCUMENTS TO BE PREPARED FOR EACH AFFECTED PARCEL (NON-STANDARD) A scenic easement shall be conveyed to the County over those portions of the property where the	Submit scenic easement to the RMA Planning Department for approval.	Owner/ Applicant	Prior to recordation of the Final Map	

<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>
		slope exceeds 30 percent. A scenic easement deed shall be submitted to, and approved by, the Director of Planning prior to issuance of grading or building permits. Prior to recordation of the Final Map, the Subdivision Map shall be revised to delineate those areas where easements are conveyed to the County where the slope exceeds 30 percent. Prior to Map Recordation, a Scenic Easement conveyance document shall be prepared for the affected property and reviewed by the County. Such documents will be recorded concurrent with Map Recordation, (RMA – Planning Department)	As Described. The following lots include areas with slopes in excess of 30%. Lots #3-14, 17, 25-30, and 33-38.	Owner/ Applicant	Prior to recordation of the Final Map	
10.		PD044 – RESOURCE CONSERVATION EASEMENT A resource conservation easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitats or known archaeological sites exist. A proposed easement deed shall be submitted to, and approved by, the Director of RMA – Planning Department prior to issuance of grading and building permits. The easements shall be conveyed to the County, upon approval by the Board of Supervisors, prior to final building inspection. (RMA – Planning Department)	Submit appropriate conservation easement deed to the RMA for review and approval by the Director of the RMA – Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Conveyance to the County upon approval by the Board of Supervisors.	Owner/ Applicant	Prior to final inspection	
11.		PDSP05 - NOTE ON MAP-STUDIES (NON-STANDARD) A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "The following reports have been prepared for the development proposed on the subject property: 1. Biological Assessment, Brian Mori Biological Consulting Services, March 2000 2. Drainage & Water Balance Studies, Tunstall Engineering Consultants, Inc., March 2000 3. Forest Management Plan, Webster & Associates,	Final recorded map with notes shall be submitted to the RMA Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	

<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>
		<p>April 2000</p> <p>4. Geologic & Geotechnical Investigation, Terratech, Inc., November 1988</p> <p>5. Preliminary Cultural Resources Reconnaissance of Carlsen Estates, Prunedale, Monterey California, Archaeological Consulting, March 2002</p> <p>6. Third Party Review of Geological & Geotechnical Studies, Haro Kasunich & Associates and Nolan & Associates, May 2002</p> <p>7. Third Party Review of Traffic Analysis, Hexagon Transportation Consultants, Inc., March 2002</p> <p>8. Third Party Review of Hydrology & Water Quality Studies, Questa Engineering, Inc., June 2002.</p> <p>9. Traffic Analysis, Higgins Associates, March 2000</p> <p>10. Wetlands Study, Assegued & Associates, Inc., April 2000</p> <p>11. Carlsen Estates Subdivision Environmental Evaluation from EMC Planning Group, April 2000 (Revised).</p> <p>12. Sheet 1 of "Vesting Location Map" for Carlsen Estates Subdivision by Base Line Land Surveying, Inc., November 12, 2000.</p> <p>13. Carlsen Estates Subdivision Drainage Analysis from Tunstall Engineering Consultants, Inc., March 13, 2000.</p> <p>14. Carlsen Estates Subdivision Water Balance Study from Tunstall Engineering Consultants, Inc., October 12, 2000.</p>				

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)
		<p>15. Carlsen Estates Subdivision Water Balance Study Modification from Tunstall Engineering Consultants, Inc., February 1, 2001.</p> <p>16. Carlsen Estates Nitrogen Loading Assessment from Martin Feeney, Consulting Hydrogeologist, (no date).</p> <p>17. Alisal Water Corporation, Letter to William H. Coffey from Thomas R. Adcock, February 28, 2001.</p> <p>18. Geologic Evaluation and Geotechnical Investigation of Carlsen Estates, Terratech, Inc., November 19, 1998.</p> <p>19. Results and Analysis of December 1998 Aquifer Testing, Terra Linda Subdivision, Report of Bob Weiss prepared by Geomatrix Consultants, Inc., January 18, 1999</p> <p>20. Fugro West, Inc. (October 1995). <i>North Monterey County Hydrogeologic Study, Volume I, Water Resources</i>. Prepared for: Monterey County Water Resources Agency.</p> <p>21. Hantzsche, Norman N. & E. John Finnemore. (1991). "Predicting Groundwater Nitrate-Nitrogen Impacts." <i>Groundwater</i>, Vol. 30, No. 4, July-August 1992.</p> <p>22. Hantzsche, Norman (Questa Engineers). Technical Report Prepared for the Draft . Carlsen EIR, June 26, 2002.</p> <p>These reports are on file with Monterey County Planning Department. The recommendations contained in said reports shall be followed in all further development of</p>				

<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>
		this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)				
12.		PD036 – UTILITIES – SUBDIVISION A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (RMA – Planning Department)	Place note on map or a separate sheet and submit to the RMA - Planning Department for review and approval. Install or bond for the underground utility facilities.	Owner/ Applicant	Prior to the recordation of final map.	
13.		PD034 – SUBDIVISION SITE PLAN APPROVAL The property owner shall prepare a site plan for the Carlsen Estates Subdivision according to Reduced Project Alternative B, to be approved by the Director of the RMA - Planning Department. The site plan shall: (1) define the building site; (2) establish maximum building dimensions; (3) identify natural vegetation that should be retained; (4) identify landscape screening as appropriate. A note shall be placed on the final map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions. (RMA – Planning Department)	Submit site plan to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the recordation of final map.	
			Place note on the map.	Owner/ Applicant	Prior to the recordation of final map.	
14.		PDSP06 - NOTES ON IMPROVEMENT PLANS (NON-STANDARD) The applicant shall prepare formal Improvement Plans in substantial conformance with an approved Tentative Map reflecting substantial conformance with Reduced Project Alternative B which shall include and incorporate all conditions of	As Described. All Conditions of Approval and adopted Mitigation Measures shall be included prominently as Notes on the Improvement Plans	Owner/ Applicant	Prior to grading and construction activities	

<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>
		approval and physical structures required by the Environmental Health Department, Water Resources Agency, Public Works Department, Fire Department and other agencies as required of this Vesting Tentative Map. (RMA – Planning Department)				
15.		PD011 – 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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit evidence of tree protection to the RMA - Planning Department for review and approval. Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant Owner/ Applicant/ Arborist	Prior to the issuance of grading and/or building permits During Construction	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
16.		PDSP07 - PRECONSTRUCTION CONFERENCE (NON-STANDARD) The Applicant shall call the Planning Department to coordinate a pre-construction conference with County Land Use agencies. Mitigation Measures, infrastructure, construction phasing, construction practices, fees, inspection schedules and County and applicant expectations will be discussed. (RMA – Planning Department)	The Applicant shall call the Planning Department to coordinate a pre-construction conference with County Land Use agencies. Mitigation Measures, infrastructure, construction phasing, construction practices, fees, inspection schedules and County and applicant expectations will be discussed.	Owner/ Applicant	Prior to grading and construction activities	

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17.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department for review and approval prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
18.		PDSP08 – GRADING PERMITS REQUIRED (NON-STANDARD) A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA – Planning Department and Building Services Department)	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Engineer/ Owner/ Applicant	Prior to Issuance of Permits for Single Family Residences	
			A note to this effect shall be placed on the final map to alert future property owners to this requirement.		Prior to Final Map Recordation	
19.		PDSP09– LIGHTING – EXTERIOR LIGHTING PLAN (NON-STANDARD) 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	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	

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		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)			permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	
				A note to this effect shall be placed on the final map to alert future property owners to this requirement.	Owner/ Applicant	Prior to Map Record- ation
20.		PD013 – LIGHTING - STREET LIGHTS All street lights in the development shall be approved by the Director of the RMA - Planning Department. (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 grading or building permits for street lights.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	
21.		PD033 - RESTORATION OF NATURAL MATERIALS Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commencement of use.	

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		Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)				
Environmental Health Department						
22.		EH3 - WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM) Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. (Environmental Health)	Submit engineered plans for the water system improvements to Pajaro Sunny Mesa Community Services District for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by Pajaro Sunny Mesa Community Services District prior to installing or bonding the improvements	CA Licensed Engineer /Owner/ Applicant	Prior to filing final map	
23.		EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)	Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.	CA Licensed Engineer /Owner/ Applicant	Prior to installing or bonding water system improvements	
24.		EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security	The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security	CA Licensed Engineer /Owner/ Applicant	Prior to filing final map	

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		guaranteeing the performance of the Agreement. (Environmental Health)	guaranteeing the performance of the Agreement.			
25.		EH12 - EXISTING SEPTIC SYSTEM Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which crosses property lines or does not meet the setback requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. A permit for the system replacement shall be obtained from the Monterey County Health Department. (Environmental Health)	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of a building permit	
26.		EH13 - DRAINAGE IMPROVEMENTS Submit plans for surface and subsurface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map	
27.		EHSP01 - DEED NOTIFICATION-WATER RIGHTS NO WELLS ALLOWED (NON-STANDARD) The water purveyor, Pajaro Sunny Mesa Community Services District or its successors or assigns shall retain the water rights for APN 125-051-005-000, 125-051-008-000 and 125-051-017-000 in this subdivision. In order to enhance the groundwater quality management, <i>no</i> wells shall be drilled within this subdivision. The	Subdivider shall provide documentation to EHD that the property has been included / annexed into PSMCSD service area. The documentation shall be in the form of a technical report to include the design of the water system improvements to meet the standards set forth in Title 22 of the California Code of Regulations and as	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map	

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		<p>intent of this condition is that Carlsen shall receive water only from the Pajaro Sunny Mesa Community Service District.</p> <p>Record a deed notification for every parcel in this subdivision stating that: The water purveyor retains all water rights for the Carlsen Estates Subdivision properties and the Monterey County Health Department prohibits the drilling of any wells within the subdivision properties. (Environmental Health)</p>	<p>set forth in the Residential Subdivision Water Supply Standards.</p>			
			<p>Submit proposed wording and forms to be recorded to EHD and RMA – Planning Department for review and approval. Record deed notification. Provide proof of recordation to EHD.</p> <p>Include deed notification language on final map.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Concurrent with filing of final map.</p>	
28.		<p>EHSP02 - DEED NOTIFICATION GRADING CUTS – STRUCTURES (NON-STANDARD)</p> <p>Grading cuts for building pads for single family dwellings/retaining walls/ miscellaneous structures shall meet the required fifty foot horizontal setback from the lowest portion of the proposed septic envelopes located upslope from proposed grading cuts. Grading cuts shall not exceed 12 to 18 inches.</p> <p>All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. (Environmental Health)</p>	<p>Submit proposed wording and forms to be recorded to EHD and RMA Planning Department for review and approval. Record deed notification. Provide proof of recordation.</p> <p>Include deed notification language on final map.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Concurrent with filing of final map.</p>	
			<p>All grading cuts located downslope from proposed septic envelopes for single family dwellings, retaining walls and miscellaneous structures shall not exceed 12”–18”. The fifty foot horizontal setback shall be measured from the top of the grading cut to the lowest portion of the septic envelope. Provide a full set of detailed grading plans and associated cross-sections to EHDD for review and approval.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to issuance of grading and building permits</p>	

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29.		EHSP03 - DEED NOTIFICATION – ENGINEERED SEPTIC DESIGN / ENGINEERED CURTAIN DRAIN DESIGN (NON-STANDARD) The applicant shall record a deed notification with the Monterey County Recorder for parcels 6, 7, 8 and 9 indicating that: "An approved, engineered septic system design and curtain drain design is on file at the Division of Environmental Health, File Number PLN000196, and any future development or expansions on this property shall be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health." (Environmental Health)	Submit proposed wording and forms to be recorded to EHD and RMA - PLANNING DEPARTMENT for review and approval. Record deed notification. Provide proof of recordation. Include deed notification language on final map.	Owner/ Applicant/ CA Licensed Engineer	Concurrent with filing of final map.	
30.		EHSP04 - DEED NOTIFICATION – NO SECOND UNITS NON-STANDARD There shall be no more than one single-family dwelling unit per lot. No second units, i.e. no caretaker units and no senior units allowed for this subdivision. Record deed notification for every parcel in this subdivision. (Environmental Health)	Submit proposed wording and forms to be recorded to EHD and RMA - Planning Department for review and approval. Record deed notification. Provide proof of recordation to EHD. Include deed notification language on final map.	CA Licensed Engineer /Owner/ Applicant	Concurrent with filing of final map.	
31.		EHSP05 - DEED NOTIFICATION – PERC REPORT (NON-STANDARD) A deed notification shall be recorded concurrently with the final/parcel map with the Monterey County Recorder which states: "A soils and percolation report has been prepared for this subdivision by Terratech, Inc. dated November 19, 1998 and Soil Surveys, Inc. dated/amended January 18, 2007 and is on record at the Division of Environmental Health, Monterey County, File Number PLN000196. (Environmental Health)	Submit proposed wording and forms to be recorded to EHD and RMA - Planning Department for review and approval. Record deed notification. Provide proof of recordation. Include deed notification language on final map.	Owner/ Applicant	Concurrently with filing of final map.	

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32.		<p>EHSP06 - GRADING CUTS - FIRE DISTRICT REQUIREMENTS FOR ROAD INFRASTRUCTURE (NON-STANDARD)</p> <p>The Fire Department needs to approve all road and driveway infrastructure improvements to determine the impacts to proposed septic envelopes – Grading cuts shall not exceed 12”-18” if located downslope from proposed septic envelopes. <u>EHD will need to review a revised map, after the Fire District has approved all Fire District infrastructure improvements that will be required. Impacts to the septic envelopes will be determined based upon the revised map and associated exhibits.</u></p> <p>SEPTIC ENVELOPES - Septic envelopes located upslope of proposed Fire District improvements/grading cuts will require a fifty foot horizontal setback from top of grading cuts to the lowest portion of the septic envelopes.</p> <p>All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. Lots unable to meet this requirement shall be merged with adjoining lots. (Environmental Health)</p>	<p>Provide a revised map to EHD for review and approval, showing all infrastructure improvements meeting all requirements for the Fire District.</p> <p>All grading cuts located <i>downslope</i> from proposed septic envelopes for Fire Department improvements (turnarounds, hammerheads, turnouts, etc.) shall not exceed 12”-18”. The fifty foot horizontal setback shall be measured from the top of grading cut to the lowest portion of the septic envelope.</p> <p>Provide a full set of detailed grading plans and associated cross-sections to EHD for review and approval.</p>	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map.	
33.		<p>EHSP07 - GRADING CUTS - ROADS AND DRIVEWAYS (NON-STANDARD)</p> <p>Grading cuts for roads and driveways shall meet the required horizontal setback from the lowest portion of the proposed septic envelopes located upslope from proposed grading cuts.</p> <p>Grading cuts shall not exceed 12 to 18 inches. Proposed</p>	<p>All grading cuts located downslope from proposed septic envelopes for road and driveway cuts shall not exceed 12”-18”. The fifty foot horizontal setback shall be measured from the top of cut to the lowest portion of the septic envelope.</p>	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map.	

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		lots that may be affected per map dated Jan 17, 2007 are: Lots 8, 9, 14, 18, 26, 35 and 38. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. Lots unable to meet this requirement shall be merged with adjoining lots. (Environmental Health)	Provide a full set of detailed grading plans and associated cross-sections to EHD for review and approval.			
34.		EHSP08 - SEPTIC ENVELOPES (NON-STANDARD) Proposed septic envelopes for all parcels shall appear as part of the final/parcel map. Submit map to the Environmental Health Division for review and approval. Once approved the septic envelopes shall appear as part of the final/parcel map. (Environmental Health)	Submit map to EHD for review and approval. Once approved the septic envelopes shall appear as part of the final/parcel map. Provide the location of trees within the septic envelopes and within a ten (10) foot perimeter outside the envelopes, with number, type and size of any trees to be removed.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map.	
35.		EHSP09 SEPTIC SYSTEM FLOWS (NON-STANDARD) The septic system design for all lots in this subdivision shall be designed to comply with Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. Maximum five (5) foot effective flows shall be required per MCC 15.20. (Environmental Health)	Submit plans for review and approval to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Continuous	
36.		EHSP10 - DISSIPATION TRENCHES (NON-STANDARD) As necessary, if disposal of subsurface water from onsite impervious surfaces for individual lots is proposed via dissipation trenches, submit plans for surface and subsurface drainage improvements for review and approval to the Director of Environmental Health to	Submit plans for review and approval to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map/ Continuous	

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		determine any potential septic system impacts. Dissipation trenches shall be located down gradient from the proposed septic envelopes a minimum of twenty feet and offset a minimum of twenty feet. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. (Environmental Health)				
37.		EHSP11 - ENGINEERED SYSTEMS (NON-STANDARD) Submit an engineered curtain drain system <i>and</i> engineered wastewater disposal system design for lots 6, 7, 8 and 9 as designated by Tunstall Engineering Consultants, Inc. Percolation Map plotted on July 19, 2006 to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. The curtain drain, and primary and secondary drainfields shall be installed at initial construction. (Environmental Health)	Provide the design showing the curtain drain system, and primary, secondary and tertiary drainfields. Provide the location of trees within the septic envelope and within a ten (10) foot perimeter outside the envelope, with number, type and size of any trees to be removed. The design shall also include landmarks / reference points adequate for future location of the drainfields.	CA Licensed Engineer	Prior to filing the final map	
38.		EHSP12 - GEOTECHNICAL REPORTS - PONDS All Geotechnical Reports required for the detention ponds shall identify and evaluate any adverse impacts to adjacent onsite wastewater treatment systems. If the Geotechnical Report requires additional setbacks greater than one-hundred (100) feet from each septic envelope to each detention pond for this subdivision, then the subdivider shall follow the recommendations as stated in the Geotechnical Reports. However, the minimum setback of one-hundred (100) feet shall be maintained. (Environmental Health)	Submit plans and all Geotechnical Reports for review and approval by the Division of Environmental Health.	CA Licensed Engineer	Prior to filing the final map	

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39.		EHSP13 - WELL DESTRUCTION (NON-STANDARD) Destroy the existing well(s) on lot 15 and lot 33 according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. (Environmental Health)	Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a CA licensed well contractor from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map	
40.		EHSP14 SEPTIC ENVELOPE SIZING (NON-STANDARD) All septic envelopes shall be a minimum of 4000 square feet and shall be designed in such a manner that the envelope maximizes the usable area for septic system construction layout. (Environmental Health)	Provide revised design to EHD for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map.	
41.		EHSP15 - SITE SPECIFIC ENGINEERING – TRAFFIC OVER SEPTIC SYSTEM (NON-STANDARD) Site-specific engineering for vehicular traffic that passes over proposed septic envelopes will be required per MCC 15.20 prior to filing the final map and grading and building permits. (Environmental Health)	Environmental Health Division shall review and approve the engineered design. Submit plans to EHD for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map / Prior to grading and building permits.	
42.		EHSP16 - DRAINAGE EASEMENT – LOT # 24 (NON-STANDARD) The septic envelope location for proposed lot #24 shall demonstrate that it can meet the 100-foot setback from the outer limit of the drainage easement or the lot shall be merged with an adjoining lot. The Director of Environmental Health Division shall review and approve the location of the septic envelope. (Environmental Health)	Demonstrate to the Director of Environmental Health that the septic envelope can meet setback requirements to the outer limit of the drainage easement.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map.	

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43.		<p>EHSP17 - ADDITIONAL PERCOLATION TESTS REQUIRED (NON-STANDARD)</p> <p>As necessary, if significant changes are to be proposed for the location of the septic envelopes, a review of previous soil borings and percolation tests may require additional soils and percolation tests based upon the location of previous testing by the soils engineer(s) as indicated in the soils report(s). (Environmental Health)</p>	<p>As necessary, provide revised map to EHD for review and approval. As indicated, additional soils tests may be required by EHD. Lots not meeting the appropriate soils and percolation requirements of the Environmental Health Department will not be recommended for Final Map inclusion. Noncompliant lot areas may be allowed to combine with adjacent lot areas that do meet appropriate soils and percolation requirements of the Environmental Health Department.</p>	CA Licensed Engineer / Owner/ Applicant	Prior to filing the final map.	
Water Resources Agency						
44.		<p>WR37 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT</p> <p>If the homeowners' association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. Prior to filing the final map, a copy of a signed</p>	<p>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.</p> <p>(A copy of the County's standard agreement can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	The agreement shall be recorded concurrently with the final map	

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		and notarized <i>Drainage and Flood Control Systems Agreement</i> shall be provided to the Water Resources Agency for approval. (Water Resources Agency)				
45.		WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)	Submit a recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recordation of the notice shall occur concurrently with the final map	
46.		WR42 - LANDSCAPING REQUIREMENTS A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)	Submit the recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recordation of the notice shall occur concurrently with the final map	
47.		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)	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	

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48.		WR47 - WASTE MANAGEMENT PLAN The applicant shall provide the Water Resources Agency a Construction Site Waste Management Plan prepared by a registered civil engineer that addresses the proper disposal of building materials and other construction site wastes including, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary wastes. The Site Waste Management Plan must also address spill prevention, control and clean up of materials such as petroleum products, fertilizers, solvents, pesticides, paints and cleaners. (Water Resources Agency)	Submit the plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
49.		WR34 - ANNEXATION TO ZONE 9 The applicant shall provide the Water Resources Agency with all materials required by the State Board of Equalization to annex the property to Zone 9 of the Monterey County Water Resources Agency and pay all necessary fees. (Water Resources Agency)	Submit the materials to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing the final map	
50.		WR36 - HOMEOWNERS ASSOCIATION CC&R'S A homeowner's association shall be formed for the maintenance of roads, drainage facilities, and open spaces. The Director of Public Works, the Director of Planning, and the County Water Resources Agency shall approve documents for formation of association. The covenants, conditions and restrictions (CC&Rs) shall include provisions for a yearly report by a registered civil engineer and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. (Water Resources Agency)	Submit the CC&Rs to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing of final map	

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51.		WRSP01 - DRAINAGE PLAN (NON-STANDARD) The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention and retention facilities to mitigate the impact of impervious surface stormwater runoff. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the drainage plan and 1 copy of the supporting calculations to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing the final map	
52.		WRSP02 - DRAINAGE NOTE (NON-STANDARD) A note shall be recorded on the final map stating: "Impervious surface stormwater runoff shall be directed to the stormwater drainage system for the Carlsen Estates subdivision. If stormwater runoff from an individual lot cannot be directed to the subdivision drainage improvements, a drainage plan shall be prepared by a registered civil engineer or architect prior to issuance of any related grading or building permits. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency." Prior to recordation of the final map, the applicant shall provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)	Submit a copy of the final map to be recorded, with appropriate note, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing the final map	
53.		WRSP03 - COMPLETION CERTIFICATION (NON-STANDARD) The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention and retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant	Prior to issuance of any building permits	

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54.		<p>WRSP04 - GEOTECHNICAL INVESTIGATION (NON-STANDARD)</p> <p>A geotechnical investigation shall be performed at the site of any proposed retention pond to determine the suitability of subsurface materials for stormwater retention and aquifer recharge, as well as, potential impacts to geologic hazards. The investigation shall be provided to the Water Resources Agency for review and approval, and the professional in responsible charge shall provide sufficient analysis to support their conclusions. In accordance with the recommendations contained in the State of California Board for Geologists and Geophysicists <i>Guidelines for Engineering Geologic Reports</i>, the analysis shall include one or more of the following subsurface investigations:</p> <ol style="list-style-type: none"> a. Trenching and any other excavation (with appropriate logging and documentation) to permit detailed and direct observation of continuously exposed geologic units and features. b. Borings drilled, test pits excavated, and groundwater monitoring wells installed to permit the collection of data needed to evaluate the depth and types of materials and subsurface water. Data points sufficient in number and adequately spaced will permit valid correlations and interpretations. c. Geophysical surveys conducted to facilitate the evaluation of the types of site materials and their physical properties, groundwater conditions and any other pertinent site conditions. The types of equipment and techniques used, such as seismic refraction, magnetic, electric resistivity, seismic 	Submit a Geotechnical Investigation to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading permits	

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		reflection and gravity, and the name of the geologist or geophysicist responsible for the work. (Water Resources Agency)				
Public Works Department						
55.		PW0015 – UTILITY’S COMMENTS Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)	Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.	Owner/ Applicant	Prior to Recordation of Map	
56.		PW0016 – MAINTENANCE OF SUBDIVISIONS Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)	Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.	Subdivider	Ongoing	
57.		PW0017 – NATURAL DRAINAGE EASEMENT Designate all natural drainage channels on the final map by easements labeled “Natural Drainage Easement”. (Public Works)	Subdivider’s surveyor shall include labeling as described on Final Map.	Subdivider/ Surveyor	Prior to Recordation of Final Map	

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58.		PW0019 – EROSION, ETC CONTROL SCHEDULE Submit the improvement and grading plans that include 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. The Director of Planning and Department of Public Works shall approve this program. (Public Works)	Subdivider’s Engineer shall include notes on improvement and grading plans.	Subdivider/ Engineer	Prior to Recordation of Final Map	
59.		PW0020 – PRIVATE ROADS Designate all subdivision roads as private roads. (Public Works)	Subdivider’s Surveyor shall designate private roads on final map.	Subdivider	Ongoing	
60.		PW0021 – ROAD NAMES Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)	Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.	Subdivider	Prior to Recordation of Final Map	
61.		PW0026 – PLANTING FOR GRADED AREAS Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following: a. That the cut and fill slopes be stabilized. b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a). c. Type and amount of maintenance required to	Subdivider’s Engineer to include erosion control measures on improvement plans.	Subdivider/ Engineer	Prior to Recordation of Final Map	

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		satisfy item (a). (Public Works)				
62.		PW0027 – CUT/FILL SLOPE (2:1) Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geotechnical report. (Public Works)	Engineer shall include notes on Improvement Plans	Subdivider/Engineer	Prior to Recordation of Final Map	
63.		PW0028 – GEOTECHNICAL REPORT A geotechnical report will be required before recording final maps. (Public Works)	Subdivider shall submit a geotechnical report prepared and submitted in conjunction with and support of Improvement Plans to the DPW	Subdivider	Prior to Recordation of Final Map or grading, whichever comes first	
64.		PW0023 – IMPROVEMENT PLANS Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)	Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of final map.	Subdivider	Prior to Recordation of Final Map	
65.		PW0008 - DEDICATION Dedicate to the County of Monterey 30' from the centerline of Berta Canyon Road for street and right-of-way purposes. (Public Works)	Applicant's surveyor shall prepare description of area to be dedicated. DPW can prepare deed.	Owner/Applicant/Surveyor	To be shown on and recorded concurrently with Final Map	

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66.		PW0030 – HOMEOWNERS ASSOCIATION Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)	Subdivider shall submit documentation to the DPW and WRA for review and approval by the Director of Public Works and Director of the Water Resources Agency for the formation of a homeowners association to maintain roads and drainage improvements.	Subdivider	Prior to Recordation of Final Map	
			Deed Notifications of the responsibility to maintain roads and drainage improvements. for each parcel to be recorded shall be prepared by the subdivider for review and approval by the Directors of the Public Works Department and Water Resources Agency.	Subdivider	Deed Notifications shall be recorded Concurrent with Recordation of Final Map	
67.		PWSP02 - TAMC FEE (NON-STANDARD) Applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)	Applicant shall pay TAMC the traffic mitigation fee.	Applicant	Prior to issuance of Building Permits	
68.		PWSP04 - OVERHEAD STREET LIGHTING (NON-STANDARD) Applicant shall obtain an encroachment permit from Caltrans and/or Monterey County Department of Public Works to install overhead street lighting along acceleration and deceleration lanes at the intersection of Berta Canyon Road and Highway 101 . (Public Works)	Subdivider’s engineer shall prepare plans for the installation of the overhead street lighting. Subdivider shall provide bonds and construct improvement.	Applicant	Bonds provided prior to recordation of final map. Improvements constructed prior to occupancy of first unit.	

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Redevelopment and Housing Division						
69.		OHRSP01 - INCLUSIONARY HOUSING (NON-STANDARD) Prior to the recordation of the Final Map, the applicant shall comply with the County's Inclusionary Housing Ordinance #3419 by paying, or securing, to the satisfaction of the Housing Office Director, an in-lieu fee of \$199,764.	As described: 24 non-exempt units/lots x .15 = 3.6 Inclusionary Units required 3.6 x \$55,490 (Fee for one required Inclusionary Unit in N. County) = \$199,764 IN-LIEU FEE: \$199,764	Owner/ Applicant	Prior to the recordation of the Final Map	
Parks Department						
70.		PKS002 – RECREATION REQUIREMENTS/FEES The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/ Applicant	Prior to the Recordation of the Final Map	
71.		PKSSP01 - COMPLIANCE WITH NORTH COUNTY TRAILS PLAN (NON-STANDARD) Prior to recordation of the first Final Map, the Applicant shall offer to dedicate a public recreational trail easement over the subdivided property, in compliance with the North County Trails Plan, along the alignment described below. The trail easement shall be offered to the County through an Irrevocable Offer to Dedicate	<ul style="list-style-type: none"> The Applicant shall offer to dedicate a public recreational trail easement over the subdivided property. The trail easement shall be offered to the County through an Irrevocable Offer to Dedicate Agreement. 	Owner/ Applicant	Prior to the Recordation of the Final Map	

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		<p>Agreement, which shall set forth the terms, conditions, restrictions and subsequent use and location of the public recreational trail. The specific trail alignment shall be located entirely within the trail easement as described below, which shall be shown on the Applicant's Final Map. The Director of Parks and Director of Planning shall approve the final alignment for the trail easement. The trail easement shall not be opened to the public for trail access until such time as the County accepts the trail easement under the terms and conditions of the Irrevocable Offer to Dedicate, and thereafter assumes the responsibility for the public trail. No building envelopes shall be located within 50 feet of the easterly boundary of APN 125-051-008-000 or any other portion of the trail easement area described below. The trail easement area shall be as follows:</p> <ul style="list-style-type: none"> • A 20-foot-wide floating easement within a 50-foot-wide strip of land along the easterly boundary of APN 125-051-008-000; • A 20-foot-wide floating easement that will generally follow the proposed trail along the southerly portion of APN 125-051-008-000 that is shown on the Vesting Tentative Map, dated 12/31/02, and will connect with the 50-foot-wide strip of land along the easterly boundary. It will also include a 20-foot-wide spur connection to the public recreational trail offered for dedication as part of the adjoining Grey Eagle subdivision; and • A 20-foot-wide floating easement within the PG&E easement that lies along the southerly boundary of APNs 125-051-005-000 and 125-051-017-000. <p>(Parks and Planning Departments)</p>	<ul style="list-style-type: none"> • The Director of Parks and Director of Planning shall approve the final alignment for the trail easement. 			

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North County Fire District						
72.		FIRE001 - ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (North County Fire Department)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
73.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (North County Fire Department)				
74.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (North County Fire Department)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
75.		FIRE010 -ROAD SIGNS All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.	Applicant or owner	Prior to filing of final map.	

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		shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (North County Fire Department)	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision.	
76.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	

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		occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (North County Fire Department)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
77.		FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection for each phase of development	

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		addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available (North County Fire Department)				
78.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES</p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (North County Fire Department)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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79.		FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (North County Fire Department)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
80.		FIRE017 - DISPOSAL OF VEGETATION AND FUELS Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. (North County Fire Department)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
81.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning. (North County Fire Department)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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82.		<p>FIRESPO01 NON-STANDARD CONDITIONS</p> <p>1. <u>Electronic media submittal.</u> Prior to the filing of the final parcel map, an electronic copy of the parcel map shall be submitted to the north county fire district, or the local fire jurisdiction. The parcel map shall be drawn using Auto Cad Version 14 or newer or an approved equal. The submitted map shall, at a minimum, contain the following entities:</p> <ol style="list-style-type: none"> Property lines. Parcel numbers Roads, streets and driveways. Fire hydrants Assessors parcel numbers Building envelopes <p>Approved media form shall be either CD or e-mail. Files shall be in either *.dwg or *.dxf format only. Electronic mail will be accepted at aa@ncfpd.org</p> <p>2. Provide a secondary means of egress from the proposed subdivision. (North County Fire Department)</p>	<p>An electronic copy of the parcel map shall be submitted to the north county fire district, or the local fire jurisdiction</p> <p>Note: Regarding item 2. Per the planner's verbal confirmation with Fire Chief Roberson, on January 29, 2007, the Revision 1 VTSM plans dated 1/17/07 show adequate secondary egress to the southern Grey Eagle Subdivision.</p>	Applicant or owner	Prior to filing of final map.	

Mitigation Measures *

*** Important Project Note on Mitigation Measures ***

Development under Reduced Project Alternative B ("Alternative B") reduces the overall environmental impacts of the proposed project in regard to: **Biology, Construction, Septic Percolation, Nitrate Loading, Water Use, Tree Protection and Public Services.** It is for these reasons and the unique environment of the Carlsen Estates project site that the Planning Commission approves Reduced Project Alternative B as the preferred

alternative for the project. Reduced Project Alternative B directly avoids and reduces the scope and breadth of environmental impacts. Below is a complete list of the suggested mitigation measures to Implement Reduced Project Alternative B.

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4.2 Geology and Soils						
83.	4.2.1	<p>Parcel 36, and specifically the proposed access road could be susceptible to adverse impacts from landslides and debris flows which could damage structures and infrastructure and could endanger the health of persons on the property.</p> <p>Homesites: Prior to issuance of a grading permit, a debris flow, landslide, and toppling hazard evaluation specific to proposed home sites shall be prepared as suggested in the Terratech (1998) report, and recommendations incorporated into final project design. The hazard evaluation shall be based on a detailed planimetric geologic map prepared for the project that shows all debris flow and landslide-related features, as well as pertinent geomorphic features such as steep erosional escarpments. The report shall contain specific foundation design and construction requirements and standards designed to reduce hazards to a less-than-significant level. Final design shall consider the stability of the slope and any potential effects on the proposed access road. Project evaluation shall demonstrate appropriate engineering and construction methods to be required to reduce the hazards on site to an acceptable level based upon accepted geotechnical engineering standards. Specific construction standards for stabilizing failure-prone areas shall include, where necessary, debris containment walls in areas where it is</p>	<p>Applicant shall submit evidence to the RMA - Planning Department demonstrating compliance with the findings and required elements of the engineered design identified in the Terratech report prepared for the proposed project by a registered geologist and/or structural engineer.</p>	Applicant / Subdivider	Prior to the approval of the final map.	
			<p>A qualified civil engineer shall prepare for review and approval of the Monterey County RMA, a debris flow, landslide, and toppling hazard evaluation specific to proposed home site Lot #36 (in the location shown on the Vesting Tentative Subdivision Map dated January 19, 2007) and for the entire length of the subdivision access road. All construction of the access road and development of Lot #36 as described, shall conform to the recommendations and approval of the RMA.</p>		Prior to issuance of a grading permit for the proposed subdivision access road and Lot #36.	

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		<p>demonstrated that debris flow material could enter yards or impact buildings, landslide repair using common earthwork techniques, retaining wall construction, and/or relocation of driveways outside the path of unstable soil masses.</p> <p>Roadways/Project: A landslide and toppling hazard evaluation specific to the proposed roadway and project wide facilities as identified in the Terratech (1998) report and the Haro-Kasunich/Nolan Zinn Report (2002) shall be prepared prior to the final map approval to address the access roadway for the eastern parcel which crosses the toe of the suspected landslide on the southern flank of the drainage. Specific construction standards for stabilizing failure-prone areas shall include, where necessary: debris containment walls in areas where it is demonstrated that debris flow material could enter yards or impact buildings, landslide repair using common earthwork techniques, retaining wall construction, and/or relocation of roadways outside the path of unstable soil masses. The stability of this slope should be demonstrated or the access road should be relocated to a stable site prior to the approval of the final map. (RMA - Planning Department)</p>				
84.	4.2-2	Proposed grading and improvements shall be designed in accordance with the specific recommendations of a design-level geotechnical investigation for the project, completed prior to the issuance of a grading permit for individual homesites and prior to the final map for project wide facilities. The investigation shall include recommendations for cut and fill slopes, site drainage, canyon fills and drainage details, an evaluation of the stability of any slopes greater than 30% located adjacent	Applicant shall submit evidence subject to the review and approval of the RMA - Planning Department demonstrating that a specific design-level geotechnical investigation has been prepared for individual homesites and project facilities. For mitigations 4.2-1 and 4.2-2, if identified design and construction methods cannot be demonstrated to	Applicant/ Subdivider/ Geotechnical Engineer	Prior to the issuance of a grading permit for individual homesites and prior to the final map for	

<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>
		to areas of planned excavation, and cross-sections of any major cut and fills should be provided. For mitigations 4.2-1 and 4.2-2, if identified design and construction methods cannot be demonstrated to reduce the hazards on site to an acceptable level based upon accepted geotechnical engineering standards, relocation of structures on the lot or lot consolidation will be required. (RMA - Planning Department)	reduce the hazards on site to an acceptable level based upon accepted geotechnical engineering standards, relocation of structures on the lot or lot consolidation will be required.		project wide facilities.	
85.	4.2-3	Final construction plans for individual residential units shall incorporate the recommendations for mitigating seismically induced impacts as listed in the Terratech, Inc. geologic and geotechnical evaluation, and in the peer review of that report completed by Nolan, Zinn, and Associates and Haro, Kasunich & Associates. (RMA - Planning Department)	Applicant shall submit evidence subject to the review and approval of the RMA - Planning Department demonstrating the incorporation of specific mitigations for seismically induced impacts.	Applicant/ Subdivider	Prior to residential unit final project approval	
86.	4.2-4	Prior to issuance of a grading permit, an evaluation of liquefaction, dynamic compaction, or lateral spreading during earthquakes should be prepared in conjunction with the project geotechnical engineer, and recommendations incorporated into final project design. This evaluation shall consider groundwater level data and seismic design ground motions developed by the design phase geologic investigation, and include effects on structural elements and infrastructure. This evaluation shall contain specific foundation design and construction requirements and standards to reduce any hazards to a less-than-significant level. Measures may include development of foundations that can withstand anticipated soil deformations, installation of dewatering systems, flexible utility connections, requirements for specific grading and compaction, and/or relocation of structures to areas where ground deformation is not	Applicant shall submit evidence to the RMA - Planning Department demonstrating that an evaluation of liquefaction dynamic compaction or lateral spreading has been prepared.	Applicant/ Subdivider/ Geotechnical Engineer	Prior to issuance of grading permit	

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		anticipated. If identified design and construction methods cannot be demonstrated to reduce the hazards on site to an acceptable level based upon accepted geotechnical engineering standards, relocation of structures on the lot or lot consolidation will be required. (RMA - Planning Department)				
87.	4.2-5	All lots should be graded to direct surface water away from steep slopes and into gutters and/or lined ditches which flow into properly designed catchment structures. (RMA - Planning Department)	Applicant shall submit evidence to the Planning and Inspection Department, Water Resources Agency, and Public Works Department demonstrating compliance.	Applicant / Contractor	Ongoing	
88.	4.2-6	During construction, efforts should be made to keep soil disturbance to a minimum. This objective can be accomplished by keeping machinery off of established vegetation as much as possible. (RMA - Planning Department)	During construction, efforts should be made to keep soil disturbance to a minimum. This objective can be accomplished by keeping machinery off of established vegetation as much as possible.	Applicant / Contractor	During Construction	
89.	4.2-7	Specific access routes should be established during planning phases of the project. (RMA - Planning Department)	Project applicant shall submit evidence to the Public Works Department demonstrating access routes.	Applicant / Subdivider	Ongoing	
90.	4.2-8	The project site is subject to soil erosion hazards, which could cause damage to structures and facilities on the property. After construction, loose soils are still vulnerable to	Improvement Plans and Drainage plans prepared by a qualified civil engineer, shall illustrate and incorporate Revegetation Plans. Revegetate to keep soil movement to a minimum. Loose soils shall be stabilized through the	Applicant / Subdivider / Contractor	After Construction and before landscaping is formally installed.	

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		erosion, particularly immediately after project completion. Immediate revegetation, has proven the most effective means of keeping soil movement to a minimum. (RMA - Planning Department)	introduction of native vegetation types (a mixture of native and introduced grasses, sedges, and herbs). This vegetation shall be confirmed in the field by the RMA prior to “finalling” (signing-off) permits related to infrastructure	Applicant shall call for RMA Field inspection.	Prior to the final of grading and infrastructure Improvement plans	
91.	4.2-9	An Erosion Control Plan shall be prepared by the project proponent prior to issuance of a grading permit, subject to review and approval by the County. (RMA - Planning Department)	The applicant shall submit a copy of an Erosion Control Plan to the County for review and approval.	Applicant / Erosion Control Specialist	Prior to issuance of grading permit	
4.3 Surface Hydrology & Water Quality						
92.	4.3-1	The sediment ponds designed for the project (38 lots) are not large enough to accommodate sediment storage, which could eventually cause flooding impacts to the project site and area downstream. Reduced Project Alternative B reduces the amount of development and new impervious surfaces.	A drainage plan addressing sediment storage and maintenance as described in this mitigation measure shall be prepared by a registered civil engineer, subject to the review and approval of the Water Resources Agency.	Applicant/ Engineer	Prior to approval of final map	
		Prior to the final map approval, the applicant’s engineering consultant shall estimate the accumulation for the sediment ponds. The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention and retention facilities to mitigate the impact of impervious surface stormwater runoff. Pond(s) shall be fenced for public safety. The detention basins shall be designed and sized	A grading plan shall be prepared consistent with a approved drainage plan and shall submitted for review and approval by the RMA Planning Department and Water Resources Agency. All improvements shall be constructed in accordance with approved plans.		Prior to the issuance of a grading permit.	

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		to accommodate the sediment and still avoid potential flooding. The design shall be submitted and approved by the Monterey County Water Resources Agency prior to the issuance of a grading permit. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)				
93.	4.3-1A	<p>Per the Water Resources Agency, the project geotechnical analysis should be expanded to provide documentation for the proposed retention pond to confirm the use and suitability of subsurface materials for stormwater retention and aquifer recharge to ensure recharge proposed in the project design can be achieved without unacceptable geologic risk or impact in accordance with the requirements contained in the State of California Board for Geologists and Geophysicists <i>Guidelines for Engineering Geologic Reports</i>.</p> <p>A geotechnical investigation shall be performed at the site of any proposed retention pond to confirm the use and suitability of subsurface materials for stormwater retention and aquifer recharge, as well as, define specific design measures to address potential geologic hazards. The investigation shall be performed in accordance with the recommendations contained in the State of California Board for Geologists and Geophysicists <i>Guidelines for Engineering Geologic Reports</i>, and shall include one or more of the following subsurface investigations for supporting information:</p> <p style="padding-left: 40px;">a. Trenching and any other excavation (with appropriate logging and documentation) to permit detailed and direct observation of</p>	Applicant shall submit a geotechnical report, prepared by a qualified geotechnical engineer to the County Water Resources Agency for review and approval for any proposed retention ponds.	Applicant / Subdivider/ Geotechnical Engineer	Prior to final map approval	

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		<p>continuously exposed geologic units and features.</p> <p>b. Borings drilled, test pits excavated, and groundwater monitoring wells installed to permit the collection of data needed to evaluate the depth and types of materials and subsurface water. Data points sufficient in number and adequately spaced will permit valid correlations and interpretations.</p> <p>c. Geophysical surveys conducted to facilitate the evaluation of the types of site materials and their physical properties, groundwater conditions and any other pertinent site conditions. The types of equipment and techniques used, such as seismic refraction, magnetic, electric resistivity, seismic reflection and gravity, and the name of the geologist or geophysicist responsible for the work. (Water Resources Agency)</p>				
94.	4.3-2A	<p>Prior to construction, the project will be required to obtain a NPDES permit and prepare a SWPPP, in accordance with the regulations of the RWQCB. The project shall implement Best Management Practices (BMPs) both during and after construction to prevent the release of non-point source water contaminants into surface waters, including, but not limited to:</p> <ul style="list-style-type: none"> -minimizing the area of disturbance; -controlling graded areas during the rainy season; and -revegetation of disturbed areas as soon as possible. (Water Resources Agency, RMA – 	<p>Project applicant shall submit evidence to the County demonstrating that a NPDES permit and SWPPP were obtain for the proposed project.</p>	Applicant	Prior to construction	

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		Planning Department)				
95.	4.3-2B	Prior to recordation of the Final Map, the applicant shall prepare a plan for ongoing inspection, monitoring and maintenance of site drainage facilities, including all measures used for infiltration and water quality control. The plan shall detail the required maintenance work and frequency, as well as the responsible party (or parties) and funding source to assure that the necessary work is performed. The plan shall be submitted for review and approval by the Monterey County Water Agency as a condition of Final Map approval.” (Water Resources Agency)	Applicant shall submit plan for review and approval to the Monterey County Water Resources Agency.	Applicant	Prior to recordation of the final map	
96.	4.3-3	All grading and construction shall take place during the dry season (April 15 through October 15) to avoid complications from runoff. If construction activities should carry over into the wet season, an appropriate erosion control plan shall be in place, which should include, but not be limited to: <ul style="list-style-type: none"> - Disturbed surfaces not involved in the immediate operations must be protected by mulching and/or other effective means of soil protection. - Runoff from the site, if any, shall be detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. These drainage controls must be maintained by the contractor as necessary to achieve their purpose through the duration of the construction period. -Erosion control measures shall be in place at the end 	Subdivider’s Engineer to include erosion control measures on improvement plans.	Applicant/ Contractor	Ongoing	

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		<p>of each day's work.</p> <p>-The inspector shall stop operations during periods of inclement weather if it is determined that erosion problems are not being controlled adequately. (RMA – Planning Department, Building Services Department)</p>				
97.	4.3-4	<p>Development of the project will introduce pollutants into surface run-off, which could degrade the water quality of local surface waters.</p> <p>Final project design shall incorporate grass/vegetated swales (i.e., biofilters). These should be placed in the drainage corridor leading into the sediment ponds. Vegetation in the swales should consist of turfgrass or existing vegetation (a mixture of native and introduced grasses, sedges, and herbs). (RMA – Planning Department)</p>	<p>Improvement Plans and Drainage plans prepared by a qualified civil engineer, shall illustrate and incorporate grass/vegetated swales (i.e., biofilters). These should be placed in the drainage corridor leading into the sediment ponds. Vegetation in the swales should consist of turfgrass or existing vegetation (a mixture of native and introduced grasses, sedges, and herbs). This vegetation shall be confirmed in the field by the RMA prior to “finalling” (signing-off) permits related to infrastructure</p> <p>Subdivider's Engineer to include erosion control measures on improvement plans.</p>	<p>Applicant/ Subdivider</p>	<p>Prior to approval of Drainage Plans and Improvement plans.</p>	
				<p>Applicant shall call for RMA Field inspection.</p>	<p>Prior to the final of grading and Improvement plans</p>	
4.4 Biological Resources						
98.	4.4-1	<p>In the design and installation of landscaping, the applicant shall use native, locally-occurring species from the list of Monterey County Drought Resistant Plants.* (SEE NOTE 1 BELOW) (RMA - Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA Planning Department for review and approval.</p>	<p>Applicant / Landscape Architect</p>	<p>During landscaping installation</p>	

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99.	4.4-2	The applicant shall not use species in landscaping that are on List A of the Exotic Pest Plants of Greatest Ecological Concern in California (California Exotic Pest Plant Council, 1999).* (RMA - Planning Department)	Submit landscape plans and contractor's estimate to the RMA Planning Department for review and approval.	Applicant	Ongoing	
100.	4.4-3	If irrigation systems are installed, they shall be designed, installed and maintained to minimize runoff of irrigation water into adjacent areas of native vegetation subject to the approval of the Monterey County Public Works Department. (Public Works Department)	Submit landscape plans and contractor's estimate to PW for review and approval.	Applicant / Subdivider / Landscape Architect	Ongoing	
101.	4.4-4	Prior to commencement of construction, the project proponent or property owner shall have permanent exclusionary split rail fencing installed along the conservation easement boundary. No grading shall occur within the conservation easement. Soil compaction, parking or vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the easement. (RMA- Planning Department)	For review and approval by the Monterey County RMA Planning Department, the applicant shall submit evidence to the Planning Department demonstrating that exclusionary fencing is provided along conservation easement boundaries.	Proponent / Property Owner	Prior to commencement of construction	
102.	4.4-5	To prevent the loss of trees additional to those evaluated for this project, property deeds included in the final map shall institute a CC&R that prohibits oak tree removal outside prescribed building, driveway, and septic envelopes.* (RMA- Planning Department)	For review and approval by the Monterey County RMA Planning Department, the applicant shall submit CC&Rs to the County Planning Department.	Proponent / Property Owner	Ongoing	

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103.	4.4-6	A qualified arborist or forester shall be retained to monitor tree removal and trimming during grading activities. This person will actively review construction plans and activities during grading to ensure that trees not scheduled for removal are protected with appropriate measures prescribed by the arborist/forester. A letter report shall be prepared by the arborist/forester that documents compliance with mitigation provided in this document, and submitted to the Monterey County RMA - Planning Department. All recommendations of the tree planting, recommendations for protection of the trees not proposed for removal, and management measures include in the FMP (contained in Appendix H) shall be included as mitigation for impacts to protected trees.* (RMA- Planning Department)	For review and approval by the Monterey County RMA, the applicant shall submit evidence demonstrating that a qualified arborist will be onsite for all grading activities.	Applicant / Subdivider/ Arborist	During construction / grading	
104.	4.4-7	On-site replanting of all protected trees at a ratio of 1:1 shall be done as outlined in the FMP.* (RMA- Planning Department)	See Note 1 below at the end of the table.	Applicant / Arborist / Property Owner	Ongoing	
105.	4.4-8	The developer shall retain a qualified arborist to prepare an oak woodland management program. The management program shall include thinning of the oak woodland on the conservation easement by removing small or stunted non-protected trees where appropriate to improve the overall health of the forest. The plan shall be implemented before the initiation of construction.* (RMA- Planning Department)	For review and approval by the Monterey County RMA, the applicant shall submit evidence demonstrating that an Oak Woodland Management Program has been prepared by a qualified arborist. See note 1 below	Applicant / Arborist	Prior to initiation of construction	

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106.	4.4-9	<p>The Applicant / Subdivider shall retain a County Approved qualified botanist to prepare a long-term Maritime Chaparral Habitat Management and Enhancement Plan for the Reduced Project Alternative B areas to be rezoned as Open Space not configured for residential lots and the conservation easement areas, subject to the approval of the Monterey County RMA - Planning Department and the CDFG. Reduced Project Alternative B eliminates residential development on Lots 27-32 and reconfigures the land areas shown as lots 17-22 to avoid direct impact to these resources. This measure is intended to reduce the level of impacts to the maritime chaparral habitat to a less-than-significant level and, overall, benefit the habitat more than leaving the chaparral in its current un-managed state.</p> <p>a. The approved management and enhancement plan shall be implemented prior to approval of Grading Plans, infrastructure installation and site clearing, and shall include at a minimum, the following:</p> <ul style="list-style-type: none"> • the identification and removal of all competing non-chaparral species; • techniques for removing the various competing species; • propagation of special-status species from on-site stock to supplement the existing populations; • details of the monitoring plan that contain success criteria and adaptive management measures if those criteria are not met; • frequency and format of monitoring reports to be submitted to the County and DFG; • specificity of measures for revegetation with 	<p>For review and approval by the Monterey County RMA, Submit evidence to the Planning Department demonstrating that a Maritime Chaparral Habitat Management and Enhancement Plan has been prepared by a County Approved qualified botanist. Additionally, applicant shall submit evidence demonstrating compliance with monitoring criteria as established in Mitigation Measure 4.4-9.</p> <p>Implementation of a. Details of the management and enhancement plan monitoring program will identify the frequency and format of monitoring reports to be submitted to the County and California Department of Fish and Game (CDFG). At a <i>minimum</i>, the management and enhancement plan shall require the following:</p> <p>Annually for five years, the project proponent, property owner or homeowners association shall arrange for a qualified biologist to submit a letter to Monterey County RMA - Planning Department documenting the ongoing maintenance and condition of the exclusionary fencing and protection of the newly designated Open Space</p>	Applicant / Subdivider	Prior to approval of Improvement plans, Grading Plans, infrastructure and site clearing	

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		<p>locally-occurring native species in all appropriate areas; and</p> <ul style="list-style-type: none"> • identification of a funding mechanism for the monitoring and adaptive management components of the plan. <p>b. A deed restriction shall be placed on the deed for lots having conservation easements in or adjacent to the maritime chaparral habitat in order to ensure the long-term protection and maintenance of the scenic and conservation easements:</p> <ol style="list-style-type: none"> 1) Prohibit property owner from removing native vegetation and trees, unless approved in writing by the Monterey County RMA - Planning Department; 2) Prohibit motor vehicle and bicycle use, pets, storage, dumping, or any other activities within the Open Space designated and conservation easement areas that could adversely affect the ecological and scenic importance of these easements; and 3) Disclose to purchasers that the ecological and scenic importance of the conservation easement and habitat protection measures implemented as part of the development. 4) A 25-foot setback from the maritime chaparral habitat shall be incorporated into all lots proposed adjacent to the newly designated Open Space zoned and Conservation easement areas. <p>c. Details of the management and enhancement plan monitoring program will identify the frequency and format of monitoring reports to</p>	<p>zoned areas and conservation areas within the fenced area. The report shall be submitted to the Director of Monterey County Planning Department and CDFG, and a copy provided to the homeowner's association. The County of Monterey, the property owner and the homeowner's association shall be responsible for enforcing habitat protection and maintenance measures to protect onsite biological resources.</p>			

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		<p>be submitted to the County and California Department of Fish and Game (CDFG). At a <i>minimum</i>, the management and enhancement plan shall require the following:</p> <p>Annually for five years, the project proponent, property owner or homeowners association shall arrange for a qualified biologist to submit a letter to Monterey County RMA - Planning Department documenting the ongoing maintenance and condition of the exclusionary split rail fencing and protection of conservation area within the fenced area. The report shall be submitted to the Director of Monterey County Planning Department and CDFG, and a copy provided to the homeowner's association. The County of Monterey, the property owner and the homeowner's association shall be responsible for enforcing habitat protection and maintenance measures to protect onsite biological resources. (RMA- Planning Department)</p>				
107.	4.4-10	<p>Prior to grading and site disturbance, educational signs which inform users of the importance of the site's ecology, the presence of special-status plants, and the habitat protection and enhancement measures shall be placed along all approved trails adjacent to the newly designated Open Space zoned areas and within the conservation easements and no less than every 100 feet along the Open Space areas and conservation easement boundary.</p> <p>Regarding trail dedication, see Note 2 below at the end of the table matrix. (RMA- Planning Department)</p>	<p>Submit evidence to the RMA Planning Department demonstrating that education signs have been placed onsite.</p> <p>Prior to recordation of the first Final Map, the Applicant shall offer to dedicate a public recreational trail easement over the subdivided property, in compliance with the North County</p>	<p>Applicant/ Subdivider / Contractor</p>	<p>Prior to issuance of grading permit for education signage.</p> <p>Prior to recordation of the first Final Map</p>	

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			Trails Plan, along the alignment described below. See note 2 below at the end of the table matrix.			
108.	4.4-11	Prior to final project approval, educational brochures which discuss the importance of the site's ecology, the presence of special-status plants, and the habitat protection and enhancement measures shall be distributed to the future residents of the project site. (RMA- Planning Department)	Brochures shall be drafted and presented for review and approval by County Planning staff prior to Final Map Recordation.	Applicant/ Subdivider / Contractor	Prior to Final Map Recordation	
109.	4.4-12	During construction, no pets or firearms shall be permitted on construction sites so as to avoid harassment or killing of wildlife. (RMA- Planning Department)	Post no less than two signs prohibiting pets and firearms on the construction site. Such sign shall be visible near the Berta Canyon Road entrance to Carlsen Road, and the other(s) shall remain in clear site of activity areas.	Applicant/ Subdivider / Contractor	Prior to and during grading and construction	
110.	4.4-13	<p>a. A County approved biological monitor shall conduct pre-construction surveys each morning prior to the initiation of construction activities. In addition, a biological monitor shall be on-site during all construction activities (lot clearing, grading, and tree removal) to monitor for special-status wildlife species. Prior to construction, a qualified biologist shall consult with the appropriate agencies to establish an agreed-upon plan of action in the event that these species are found on-site during construction. If federally listed species are observed all work shall stop and the USFWS shall be contacted.</p> <p>b. Comply with Recommendations 6-14 in the Bryan</p>	Applicant shall submit evidence to the RMA Planning Department demonstrating that a County approved biological monitor will be present to conduct preconstruction surveys. In addition, applicant shall adhere to all appropriate recommendations pertaining to biological resources and shall coordinate with the USFWS to ensure compliance with the ESA.	Applicant/ Qualified Biological Monitor / Contractor	Prior to initiation of construction	

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		<p>Mori Report (Appendix F of DEIR), Recommendations 1-14 requested by the USFW (Letter Appendix I of the DEIR), and/or implement equivalent measures identified through the ESA process.</p> <p>c. Initiate early coordination with the USFWS to ensure compliance with the federal Endangered Species Act for potential impacts to California red-legged frog and California tiger salamander. Construction of the project will require a Section 404 permit from the Corps. Through this permitting process, the Corps is required to comply with Section 7 of the federal ESA. The applicant is required to implement the recommendations of the above 4.4-13 b or equivalent measures identified through the ESA process in order to reduce potential impacts to a less-than-significant level. (RMA- Planning Department)</p>				
111.	4.4-14	<p>Pre-construction surveys for nesting raptors shall be performed prior to the initiation of any construction activities. If raptor nests are located during pre-construction surveys, a County approved qualified biologist shall establish a 300-foot buffer around each nest for the duration of the breeding season (until such time as the young are fully fledged) to prevent nest harassment and brood mortality. If trees known to support raptor nests cannot be avoided, removal of these trees may only occur during the non-breeding season (after August 1 and through February). (RMA-Planning Department)</p>	<p>Submit evidence of pre-construction surveys prior to the initiation of construction activities for review and approval by the RMA Planning Director.</p>	<p>Applicant / Biologist/ Contractor</p>	<p>Prior to construction</p>	

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112.	4.4-15	Prior to the fill of any jurisdictional wetlands, the developer shall comply with the Corps permitting program pursuant to Section 404 of the Clean Water Act. This includes obtaining a water quality certification from the RWQCB pursuant to Section 401 of the Clean Water Act. (RMA- Planning Department, Water Resources Agency)	Submit evidence to the RMA Planning Department demonstrating water quality certification from the RWQCB pursuant to Section 401 of the Clean Water Act.	Applicant / Subdivider / Contractor	Prior to the fill of any jurisdictional wetland	
113.	4.4-16	Prior to the initiation of pond enhancement and construction activities affecting drainage areas, the developer shall obtain a Section 1603 Streambed Alteration Agreement from CDFG. (RMA- Planning Department)	Applicant shall submit evidence to the RMA Planning Department demonstrating that a 1603 Streambed Alteration Agreement with CDFG has been executed.	Applicant / Subdivider / Contractor	Prior to initiation of pond enhancement and construction	
114.	4.4-17	The developer shall retain a County approved qualified biologist to prepare a Wetland Mitigation and Monitoring Plan, subject to review and approval by the Corps, RWQCB, and CDFG prior to the initiation of construction activities. This plan shall incorporate the following elements: <ul style="list-style-type: none"> • Pre-construction, construction phase, and post-construction mitigation measures included in the Corps, CDFG, and RWQCB=s permits and this document. • Mitigation for permanently filled or converted wetland at a ratio of 2:1 on-site or 3:1 off-site. Purchasing credits at a mitigation bank would be permissible. • If credits are not purchased, mitigation monitoring components shall be developed to measure success; and adaptive management options. • Outline an appropriate funding mechanism to support the monitoring and adaptive management. 	Applicant shall submit a Wetland Mitigation Monitoring Plan to the RMA Planning Department, subject to the review and approval of the Corps, RWQCB, and CDFG.	Applicant / Subdivider / Biologist	Prior to initiation of construction activities.	

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		(RMA- Planning Department)				
115.	4.4-18	A buffer zone of at least 50 feet from the edge of the jurisdictional areas shall be created. This buffer, along with all the jurisdictional areas, shall constitute the central drainage easement proposed by the developer. All construction including roads, building pads and utilities building shall be redesigned to be placed beyond this buffer. (RMA- Planning Department)	Submit appropriate conservation easement deed to the RMA Planning Department for review and approval by the Director of RMA-Planning.	Applicant / Subdivider / Contractor	Ongoing	
116.	4.4-19	All jurisdictional areas shall be placed in the above defined easement. (RMA- Planning Department, Water Resources Agency, Environmental Health)	Show jurisdictional areas on Final Map and submit to the RMA Planning Department, WRA and MCEHD.	Applicant / Subdivider	Prior to approval of Final Map.	
117.	4.4-20	The redesigned drainage easement shall be fenced before the initiation of construction activities, and access points to the detention ponds minimized and marked. (RMA- Planning Department)	Contractor shall submit evidence to the RMA - Planning Department demonstrating that fencing has been erected around the redesigned drainage easements.	Applicant / Subdivider / Contractor	Prior to initiation of construction	
118.	4.4-21	The applicant / developer shall retain a County approved qualified biologist to prepare a Pond Mitigation and Monitoring Plan, applicable to the proposed ponds and the existing pond that is consistent with measures outlined in letters received from CDFG and USFWS (see Appendix I of the DEIR). This plan shall include the following components: <ul style="list-style-type: none"> Measures to control sedimentation and reduce refilling of the ponds with sediment. 	1) The applicant / developer shall retain a County approved qualified biologist to prepare a Pond Mitigation and Monitoring Plan, applicable to the proposed ponds and the existing pond that is consistent with measures outlined in letters received from CDFG and USFWS	Applicant / Biologist /	Prior to approval of Improvement Plans, grading plans and infrastructure plans and ground	

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		<ul style="list-style-type: none"> Excavation of the ponds and appropriate placement of the excavated material. Measures and management components to ensure the ponds retain water for at least six months, but do not retain water all year. Design of a spillway to prevent future beaching of the pond. Measures for revegetation with locally-occurring native species in all areas disturbed by the restoration activities. A monitoring plan that contains success criteria and adaptive management measures if those criteria are not met. A funding mechanism for the monitoring and adaptive management components of the plan. 	<p>2) The applicant / developer shall enter into an agreement with the County to implement a Pond Mitigation Monitoring Program.</p> <p>3) Prior to submittal of the plan, fees and funding mechanism shall be reviewed and agreed upon by the County RMA and the applicant , and</p> <p>4) Fees shall be submitted at the time the property owner submits the signed pond mitigation monitoring agreement.</p>		disturbance	
119.	4.4-22	The developer shall implement the Maritime Chaparral Management and Enhancement Plan identified as mitigation in the Special-Status Plant Species section. (RMA- Planning Department)	<p>Demonstrate that proper implementation measures have been installed at the site prior to site disturbance</p> <p>On an annual basis the home owners association shall submit evidence to the RMA Planning Department demonstrating adherence to the Maritime Chaparral Management and Enhancement Plan. The monitoring plan shall be submitted annually demonstrating success criteria and</p>	<p>Applicant / Developer / Subdivider</p> <p>Home owners association</p>	<p>Prior to site disturbance and in accordance with direction from the qualified biologist</p> <p>Ongoing with annual reporting for a period of five years from the time the HOA</p>	

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			adaptive management measures if those criteria are not met.		assumes responsibility from Subdivider	
4.5 Cultural Resources						
120.	4.5-1	If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be developed and implemented according to Section 15064.5 of CEQA. (RMA- Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Applicant / Subdivider / Contractor	During Construction	
4.6 Aesthetics/Visual						
121.	4.6-1	Residential buildings shall be designed to fit the topography of the lot, using stepped foundations or other techniques, subject to the approval of the Monterey County RMA - Planning Department. (RMA- Planning Department)	Applicant shall submit evidence demonstrating that all residential buildings are designed in accordance with site topography subject to the review and approval of the RMA - Planning Department.	Applicant / Subdivider / Contractor	Prior to the issuance of grading or building permits for residential units	

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122.	4.6-2	All grading on residential lots shall be limited to minimize visual impacts, subject to the approval of the Monterey County RMA - Planning Department. (RMA- Planning Department)	Applicant shall submit evidence to the RMA - Planning Department demonstrating that proposed grading activities minimize potential visual impacts.	Applicant / Subdivider / Contractor	Prior to the issuance of grading or building permits for residential units	
123.	4.6-3	The property owner(s) shall provide landscape screening, appropriate to the surrounding area, to integrate the new residences into the site, subject to the approval of the Monterey County RMA - Planning Department. (RMA- Planning Department)	Property owners shall submit evidence to the RMA - Planning Department demonstrating that landscape plans and installations incorporate appropriate screening to integrate the new construction and lessen the visual impact of the residence.	Property Owners	Prior to occupancy of new Residences	
124.	4.6-4	All new water tanks shall be screened with vegetation and painted in earth tones. (RMA- Planning Department)	Applicant shall submit evidence to the RMA - Planning Department demonstrating that all tanks are screened and painted in earth tones.	Applicant / Subdivider / Contractor	Prior to the issuance of any grading or building permit	
4.7 Traffic and Circulation						
125.	4.7-1	Install a streetlight at the intersection of Berta Canyon Road/Highway 101. (Public Works)	Subdivider's engineer shall prepare plans for the installation of the overhead street lighting. Subdivider shall provide bonds and construct improvement.	Applicant / Subdivider / Contractor	Bonds provided prior to recordation of final map.	

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126.	4.7-2	Install a stop sign with appropriate advance warning and pavement markings on the northbound Carlsen Road approach to Berta Canyon Road. (Public Works)	Applicant shall install a stop sign with appropriate advance warning and pavement markings on the northbound Carlsen Road approach to Berta Canyon Road.	Applicant / Subdivider / Contractor	Prior to issuance of building permit.	
127.	4.7-3	Subdivider shall petition the Department of the Public Works for a stop sign with appropriate advance warning and pavement markings at the Oak Road approach to Berta Canyon Road. The subdivider shall reimburse the Department for all cost incurred. (Public Works)	Subdivider's engineer shall submit petition to the Department of Public Works.	Applicant	Submit petition prior to recordation of final map. Provide reimbursement prior to occupancy of first unit.	
128.	4.7-4	Prior to issuance of a building permit, the applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)	Applicant shall submit payment of all applicable fees to the Transportation Agency for Monterey County.	Applicant / Subdivider	Prior to issuance of building permit.	
129.	4.7-5	Subdivider shall widen Berta Canyon Road to a width of 34' between Highway 101 and the project entrance, subject to the approval of the Department of Public Works. Subdivider shall be responsible for obtaining all required permits and environmental clearances. Subdivider may enter into an agreement with the County for reimbursement from future development benefiting from this improvement. In the event that the subdivider notifies the County that it is unable to secure required right-of-way at fair market value, the County shall, after verifying the landowners' rejection of Subdivider's bonafide offer to purchase the required property	Subdivider's engineer shall prepare plans. Subdivider shall provide bonds and construct improvement	Applicant / Subdivider / Contractor	Bonds provided prior to recordation of final map. Improvements constructed prior to occupancy of first unit.	

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		interests at a price established by a County approved appraiser for condemnation appraisals, shall acquire the land or right-of-way through negotiation or eminent domain. Subdivider shall fund the cost of the County's acquisition and related court proceedings. (Public Works)				
4.8 Noise						
130.	4.8-1	Construction activities shall be restricted to the hours of 8:00 AM to 7:00 PM Monday through Saturday. Equipment maintenance and servicing shall be confined to the same hours. (RMA – Planning Department)	The construction contractor shall submit a letter to the RMA Director of Planning for review and approval stating his /her understating of the hours of operation and equipment maintenance,	Contractor	Prior to construction for letter and then during Construction	
131.	4.8-2	All construction equipment utilizing internal combustion engines shall be required to have mufflers which are in good condition. 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. (RMA – Planning Department)	The construction contractor shall submit a letter to the RMA Director of Planning for review and approval stating his / her understating of the requirements for mufflers and stationary noise sources.	Contractor	Prior to construction for letter and then during Construction	
132.	4.8-3	Equipment mobilization areas, water tanks, and equipment storage areas shall be placed in a central location as far from existing residences as feasible. (RMA – Planning Department)	The construction contractor shall submit a letter to the RMA Director of Planning for review and approval stating his / her understating of the placement of equipment mobilization areas.	Contractor	Prior to construction for letter and then during Construction	
4.9 Air Quality						

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133.	4.9-1	<p>No more than 2.2 acres of grading or excavation and no more than 8.1 acres of earthmoving shall occur in one day. Dust control measures, as recommended by the Monterey Bay Unified Air Pollution Control District and required by State law, shall be implemented by the project applicant to ensure PM₁₀ emissions do not exceed thresholds. These include:</p> <ul style="list-style-type: none"> • Provide equipment and manpower for watering all exposed or disturbed earth surfaces at least twice daily. Increased watering frequency should be required whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. • Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. As required by State law, trucks transporting fill material to and from the project site shall be covered. • Sweep mud and dust from construction areas and streets daily or as needed. • Minimize the area of land disturbed at any time. After clearing, grading or excavation is completed, landscape or cover those portions of the site immediately. (Monterey Bay Unified Air Pollution Control District) 	<p>No more than 2.2 acres of grading or excavation and no more than 8.1 acres of earthmoving shall occur in one day. Dust control measures, as recommended by the Monterey Bay Unified Air Pollution Control District and required by State law, shall be implemented by the project applicant to ensure PM₁₀ emissions do not exceed thresholds. These include:</p> <ul style="list-style-type: none"> • Provide equipment and manpower for watering all exposed or disturbed earth surfaces at least twice daily. Increased watering frequency should be required whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. • Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. As required by State law, trucks transporting fill material to and from the project site shall be covered. • Sweep mud and dust from construction areas and streets daily or as needed. • Minimize the area of land disturbed at any time. After clearing, grading or excavation is completed, landscape or cover those portions of the site immediately. 	Applicant / Subdivider / Contractor	During Construction	

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4.10 Water Supply and Hydrology						
134.	4.10-1	The proposed project shall pay all applicable water impact fees to the Monterey County Water Resources Agency in accordance with Monterey County Code 18.51. (Water Resources Agency)	Applicant shall submit payment to the Monterey County Water Resources Agency.	Applicant / Subdivider / Contractor	Prior to issuance of building permit.	
135.	4.10-2	Install low-flow plumbing fixtures in all new residences. Additionally, there shall be no more than one single-family dwelling unit per lot in this subdivision. Auxiliary units (such as second units, caretaker units and senior units) on lots are prohibited to reduce water usage. (Water Resources Agency)	For second units, submit proposed wording and forms to be recorded to Division of Environmental Health and RMA - PLANNING DEPARTMENT for review and approval. Record deed notification.	Applicant / Subdivider / Contractor	Prior to Occupancy and Ongoing	
136.	4.10-3	Use native, drought-resistant vegetation and drip irrigation for all landscaping. Limit the area of landscaping for each residence per code. (RMA Planning Department)	Prior to occupancy of residential structures submit landscape plans to the RMA Planning Director demonstrating satisfaction of this requirement.	Applicant / Subdivider / Contractor	Prior to occupancy and Ongoing	
137.	4.10-4	The percolation ponds shall be sized to, minimize the net reduction of recharge on the site as identified in this FEIR and per the requirements of Monterey County Water Resources Agency, Monterey County RMA - Planning Department and the Monterey County Division of Environmental Health. Prior to the approval of the final map, a report identifying the final design of the percolation ponds and recharge facilities shall be submitted to the Monterey County Water Resources Agency, Monterey County RMA - Planning Department and the Monterey County Division of Environmental Health for peer review by a qualified engineer to	Applicant shall submit a report identify the final design of the percolation ponds and recharge facilities to the Monterey County Water Resources Agency. Division of Environmental Health must also approve plans in accordance with 15.20 County Code.	Applicant / Subdivider / Qualified Engineer	Prior to approval of final map	

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		confirm that the recharge and infiltration engineered in the plan will minimize the net reduction of recharge on the site as identified in this FEIR. (Water Resources Agency, Environmental Health)				
138.	4.10-5	The final design of the stormwater facilities shall provide a maintenance plan, to be approved by the Monterey County Water Resources Agency, consistent with Mitigation 4.3.2 (“4.3-2 Prior to recordation of the Final Map, the applicant shall prepare a plan for ongoing inspection, monitoring and maintenance of site drainage facilities, including all measures used for infiltration and water quality control. The plan shall detail the required maintenance work and frequency, as well as the responsible party (or parties) and funding source to assure that the necessary work is performed.” (Water Resources Agency)	Applicant shall have prepared a maintenance plan for on-site stormwater facilities and shall submit evidence, subject to the review and approval, of the Monterey County Water Resources Agency.	Applicant / Subdivider /	Prior to recordation of the Final Map	
139.	4.10-6	The maintenance plan shall be submitted for review and approval by the Monterey County Water Agency as a condition of Final Map approval. (Water Resources Agency)	Applicant shall submit maintenance plan to Water Resource Agency for review and approval.	Applicant / Subdivider	Prior to recordation of the Final Map.	
140.	4.10-7	The maintenance plan also should include at a minimum the following: <ul style="list-style-type: none"> ▪ Inspection of facilities following any major storm event and removal of accumulated sediments; ▪ Weekly inspection of the facilities while the project is under construction and during the rainy season (October through April). (Water Resources Agency) 	Applicant shall submit maintenance plan to Water Resource Agency for review and approval.	Applicant / Subdivider	Prior to recordation of the Final Map.	

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141.	4.10-8	Development in the subdivision shall be phased to ensure that the estimates for water consumption included in the hydrologic report are not exceeded. The applicant shall submit an annual water audit report to MCWRA prepared by a qualified engineer. The compliance and monitoring reporting system must be approved by the MCWRA, EHD and RMA Planning Department prior to the approval of the final map for this project. The report shall demonstrate the water use for each of the homes for which building permits have been issued. Prior to the issuance of building permits for the last 25% of the lots approved in the subdivision, the applicant shall demonstrate that the actual water use for homes already permitted does not exceed the proportional use projected in the hydrologic report. If demand has exceeded that estimate, the applicant shall demonstrate to the satisfaction of the MCWRA and RMA Planning Department that additional reductions will be attained through the imposition of measures included, but not limited to limitations on landscaping, limitations on fixture counts, installation of more water efficient appliances or funding of low water use fixtures in non-project homes in the project area. (Water Resources Agency, Environmental Health, RMA-Planning Department)	Applicant shall submit annual water audit to the Monterey County Water Resources Agency prepared by a qualified engineer, subject to the review and approval by MCWRA, EHD, and RMA-Planning Department.	Applicant / Subdivider / Qualified Engineer	Prior to the approval of the final map.	
4.11 Wastewater Disposal						
142.	4.11-1	The subdivider shall perform additional soils and percolation tests on lots indicated in the Environmental Health conditions. Lots not meeting requirements of the Monterey County Code shall be merged with adjoining lots. Additional Conditions include:	Submit plans and all Geotechnical Reports for review and approval by the Division of Environmental Health. Division of Environmental Health must	Applicant/ Subdivider / Qualified Engineer	Prior to approval of Final Map	

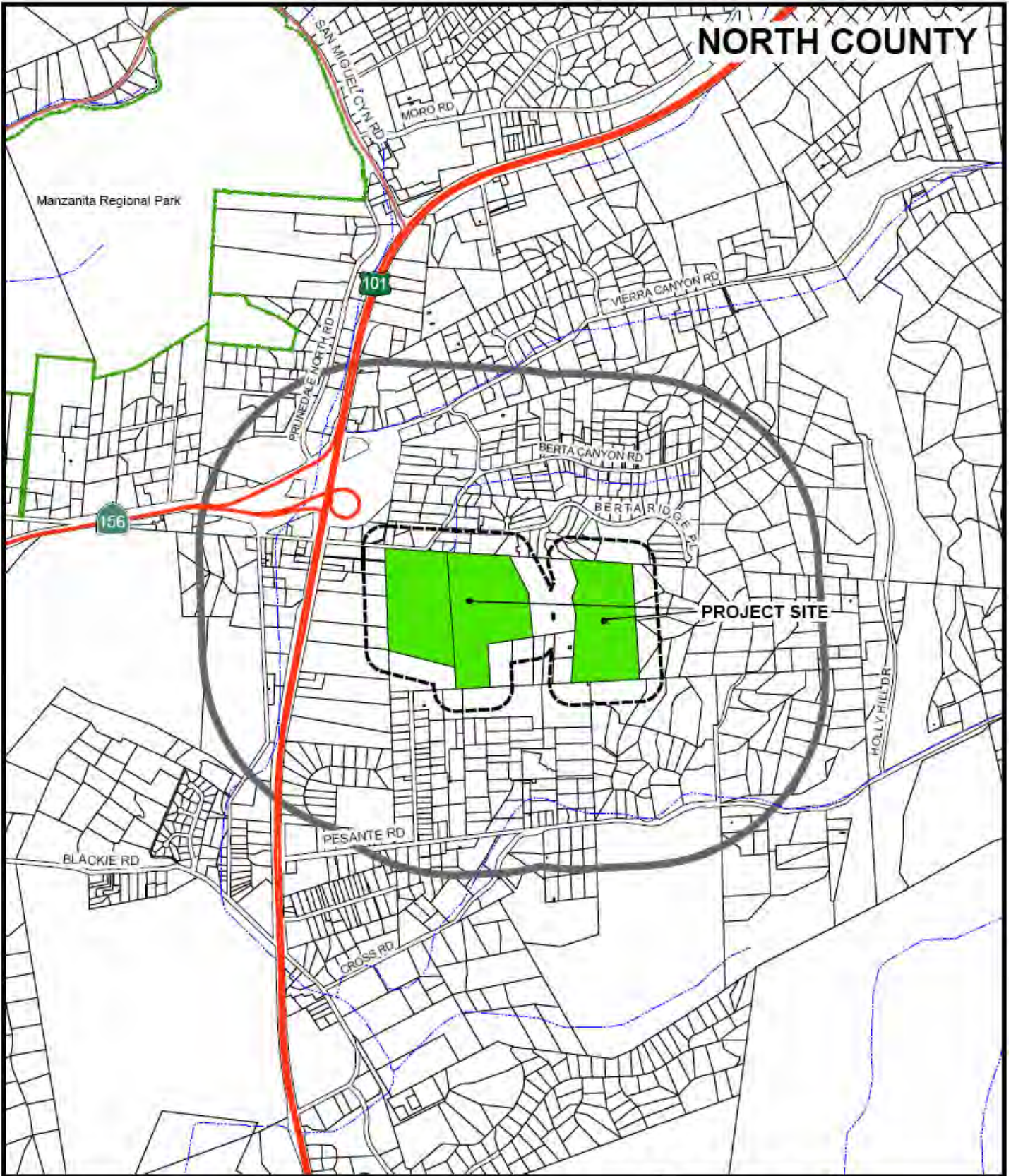
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<ul style="list-style-type: none"> ▪ The percolation tests shall meet the requirements of MCC 15.20. Lots that exceed the percolation rate of 60 minutes per inch per MCC 15.20 shall be merged with adjoining lots. ▪ The septic system design for all lots in this subdivision shall be designed to comply with Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. Maximum five (5) foot flows shall be required per MCC 15.20. ▪ As necessary, if disposal of subsurface water from onsite impervious surfaces for individual lots is proposed via dissipation trenches, submit plans for surface and subsurface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. ▪ Submit an engineered curtain drain system and engineered wastewater disposal system for Lots 6, 7, 8, and 9 as designated by Tunstall Engineering Consultants, Inc Percolation Map plotted on July 19, 2006 to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. Primary and secondary drainfields shall 	<p>approve plans. Once approved the septic envelopes shall appear as part of the final/parcel map.</p>			

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		<p>be installed at initial construction.</p> <ul style="list-style-type: none"> ▪ All Geotechnical Reports required for the Percolation / Detention Ponds shall identify and evaluate any adverse impacts to adjacent onsite wastewater treatment systems. If the Geotechnical Report requires additional setbacks greater than one-hundred (100) feet from each septic envelope to each detention pond or percolation / retention pond for this subdivision, then the subdivider shall follow the recommendations as stated in the Geotechnical Reports. However, the minimum setback of one-hundred (100) feet shall be maintained. ▪ The applicant's engineer shall be required to verify the flow line of existing creek as the approximate high water mark for the area in order to confirm compliance with MCEHD setbacks per County Code. If requirements cannot be shown to be met to the acceptance of MCEHD, these lots should be revised to provide for the setback or be merged or eliminated. (Environmental Health) 				
143.	4.11-2	The water purveyor, Pajaro Sunny Mesa Community Services District shall retain the water rights for this subdivision. In order to enhance the groundwater quality management, no private domestic wells shall be drilled within this subdivision. No on site wells shall be allowed to serve the project. The applicant shall destroy the existing well(s) on lot 15 and lot 33 according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code.	<p>Submit plans to Pajaro Sunny Mesa and Department of Health Services.</p> <p>Division of Environmental Health must approve plans to ensure compliance with Chapter 15.20. Once approved the septic envelopes shall appear as part of the final/parcel map.</p>	Applicant / Subdivider	Ongoing	Prior to approval of Final Map

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		The applicant shall comply with all requirements of Director of Environmental Health for compliance with Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. (Environmental Health)				
4.12 Public Services						
144.	4.12-1	The project applicant shall make a fee payment in lieu of land dedication for recreational purposes, the amount of which shall be determined by the County. (Parks Department)	Applicant shall submit payment to the County of Monterey.	Applicant / Subdivider	Prior to issuance of a building permit.	
5.0 Cumulative Impacts						
145.	5.0-1	Implement the mitigation identified under project conditions. (RMA-Planning Department)	Applicant shall adhere to all applicable conditions as presented herein.	Applicant / Subdivider	Ongoing	
146.	5.0-2	The project shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)	Applicant shall submit payment of applicable fees to TAMC.	Applicant / Subdivider	Prior to issuance of a building permit.	
	NOTES	<p>*NOTE 1: Mitigation Measures 4.4.1 and 4.4.2 and 4.4.5, 4.4.6, 4.4.7 and 4.4.8.</p> <p><i>Monitoring will be conducted and a report submitted annually to ensure the mitigations are being effectively implemented as follows:</i></p> <p><i>A combined annual report will be submitted to the Director of RMA - Planning for approval identifying successful compliance with Mitigation Measures 4.4.1 and 4.4.2 and 4.4.5, 4.4.6, 4.4.7 and 4.4.8. Site inspections shall be conducted by a qualified biologist each year in the same month of the year. Inspections will start after the initiation of the first year of construction. The report will confirm that native, locally-</i></p>				

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		<p><i>occurring species are being used (Per 4.4.1 and 4.4.2), success and health of identified tree plantings and protection of identified habitat on the site (Per 4.4-5, 6, 7 and 8). The report shall be prepared by a qualified biologist and shall be based on three consecutive years of the verified compliance on the subject parcel, plus inspections once again at five years, starting after three consecutive years of verified successful compliance. If successful compliance with the identified mitigation measure cannot be verified in five years, then monitoring program shall start over again as described above, until such time as the successful implementation has been achieved. Depending upon the identified measure, the qualified biologist or arborist shall determine the appropriate success criteria and adaptive management programs necessary for effective compliance with the identified mitigation.</i></p> <p>NOTE 2:</p> <p><i>The trail easement shall be offered to the County through an Irrevocable Offer to Dedicate Agreement, which shall set forth the terms, conditions, restrictions and subsequent use and location of the public recreational trail. The specific trail alignment shall be located entirely within the trail easement as described below, which shall be shown on the Applicant's Final Map. The Director of Parks and Director of Planning shall approve the final alignment for the trail easement. The trail easement shall not be opened to the public for trail access until such time as the County accepts the trail easement under the terms and conditions of the Irrevocable Offer to Dedicate, and thereafter assumes the responsibility for the public trail. No building envelopes shall be located within 50 feet of the easterly boundary of APN 125-051-008-000 or any other portion of the trail easement area described below. The trail easement area shall be as follows:</i></p> <ul style="list-style-type: none"> <i>•A 20-foot-wide floating easement within a 50-foot-wide strip of land along the easterly boundary of APN 125-051-008-000;</i> <i>•A 20-foot-wide floating easement that will generally follow the proposed trail along the southerly portion of APN 125-051-008-000 that is shown on the Vesting Tentative Map, dated 12/31/02, and will connect with the 50-foot-wide strip of land along the easterly boundary. It will also include a 20-foot-wide spur connection to the public recreational trail offered for dedication as part of the adjoining Grey Eagle subdivision; and</i> <p><i>A 20-foot-wide floating easement within the PG&E easement that lies along the southerly boundary of APNs 125-051-005-000 and 125-051-017-000. (Parks and Planning Departments)</i></p>				



NORTH COUNTY



APPLICANT: PACO LLC

APN: 125-051-005, 008, 017-000

FILE # PLN000196

 300' Limit  2500' Limit  City Limits

