

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> August 27, 2008	<b>Time:</b> 9:30 A.M.	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Consider a Fee Waiver request for a parcel map amendment (Planning File No. PLN070643) approved by the Minor Subdivision Committee on June 12, 2008 which allowed the abandonment and rededication of a drainage easement boundary.		
<b>Project Location:</b> 24700 Bit Road, Monterey		<b>APN:</b> 416-193-013-000
<b>Planning File Number:</b> PD080634		<b>Name:</b> Douglas & Lu Ann Meador TRS, Property Owner
<b>Plan Area:</b> Greater Monterey Peninsula Area Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> RDR/B-6-D-S [Rural Density Residential with Building Site, Design Control, and Site Plan Review Overlays]		
<b>CEQA Action:</b> Not Applicable		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt the resolution denying the fee waiver (**Exhibit H**).

### PROJECT OVERVIEW:

This item has been scheduled for consideration by the Planning Commission because the subject fees cannot be waived by the RMA - Director of Planning Department pursuant to the Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000 (**Exhibit E**).

The applicants request the waiver of fees collected, as shown at Table 1 below, for the processing of a map amendment to the Mesa Hills West Land Co., Inc. Parcel Map (PLN070643). The amendment consisted of the abandonment and rededication of a drainage easement boundary.

**Table 1. Fees Collected for Meador Map Amendment PLN070643**

Planning Department	Public Works	Water Resources Agency	Environmental Health Division	County Counsel	Document Storage (1% of PD fees)	General Plan Implementation (3% of Permit Fees)	Total
\$2,451.40	\$824.50	\$463.25	\$606.05	\$533.80	\$24.51	\$146.37	\$5,049.88

Physical site improvements for drainage infrastructure were proposed outside of the recorded drainage easement boundary in a separate development application, a Combined Development Permit, Planning File No. PLN060378. Pursuant to County Code, staff could not continue processing the Combined Development Permit until the recorded final map was amended at a public hearing. The parcel map amendment effectively changed the boundary of the drainage easement to accommodate the proposed drainage infrastructure.

The applicants maintain that the abandonment and dedication of the recorded drainage easement did not require an amendment to the recorded parcel map as the easement is privately held. They request a fee waiver to recover fees paid for the processing of an entitlement they believe to have been unnecessary. County staff, however, maintains that the map amendment was required pursuant to County Code and was therefore necessary.

Staff does not recommend approval of this fee waiver based upon the following:

- A. The map amendment was required pursuant to County Code.
- B. The fee waiver request does not meet the Fee Waiver Policy criteria adopted by the Board of Supervisors.

Please see the Project Discussion provided at **Exhibit B** for additional information.

**LAND USE ADVISORY COMMITTEE (LUAC) REVIEW:**

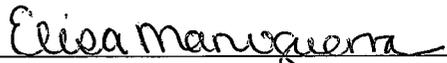
This fee waiver request was not referred to the Greater Monterey Peninsula Area LUAC for review. Based on the current review guidelines, adopted by the Monterey County Board of Supervisors as Resolution No. 04-236, fee waivers do not warrant referral to the LUAC.

**OTHER AGENCY INVOLVEMENT:**

- ✓ Public Works Department
- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ County Counsel

The above checked agencies and departments have reviewed this project and concur with the recommendation.

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



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August 15, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Public Works; Water Resources Agency; Environmental Health; Parks Department; Salinas Rural Fire Protection District; Luis Osorio, Planning and Building Services Manager; Doug and Lu Ann Meador, Applicant/Owner; John Bridges, Fenton & Keller, Attorney; Project File PD080634.

- Attachments:
- Exhibit A Discussion
  - Exhibit B Minor Subdivision Resolution No. 08015 for PLN070643
  - Exhibit C Mesa Hills West Land Co., Inc. Parcel Map
  - Exhibit D Chapter 19.08 of the Monterey County Subdivision Ordinance (Title 19)
  - Exhibit E Fee Waiver Policy and Fee Waiver Procedure
  - Exhibit F Fee Waiver Request
  - Exhibit G Planning Commission Resolution No. 82-66 approving the Mesa Hills West Tentative Map
  - Exhibit H Minor Subdivision Committee Resolution No. MS 84-40 approving the John Bolten Minor Subdivision
  - Exhibit I Vicinity Map
  - Exhibit J Draft Planning Resolution to Deny Fee Waiver Request

This report was reviewed by Luis Osorio, Planning Services Manager



## EXHIBIT A DISCUSSION

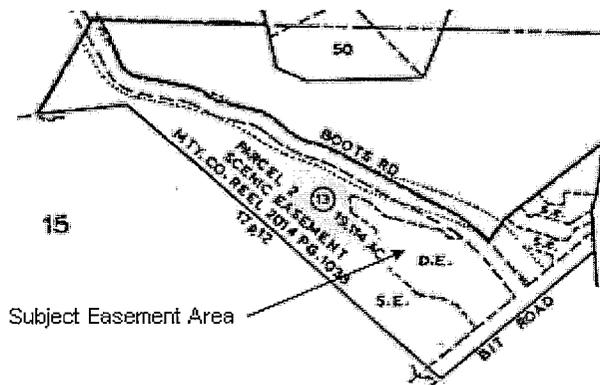
The Board of Supervisors adopted a fee waiver policy which allows the RMA – Director of Planning to administratively waive applications and appeal fees for projects meeting certain criteria (see attached **Exhibit E**). This fee waiver request does not meet conform to any of the listed criteria and therefore requires consideration and approval by the Planning Commission.

### Project Background

The subject property, located southwesterly of the intersection of Highway 68 and Boots Road, consists of scenic easement, drainage easement, and an area available for residential development. Improvements to a dam, located within the drainage easement, see Figure 1 below, are necessary to comply with Water Resources Agency requests for improvements to the stormwater flow and capacity capabilities. These improvements were approved by the County by two entitlements:

- (1) *An Amendment to the subdivision's parcel map (Planning File No. PLN070643)*. On June 12, 2008, the Minor Subdivision Committee approved an amendment to the recorded Mesa Hills West Subdivision Parcel Map that includes: the abandonment of an existing 145,600 square foot drainage easement boundary and the dedication of a 25,000 square foot drainage easement boundary. It was necessary to amend the map, attached as **Exhibit C**, because small portions of the proposed drainage improvements would have occurred outside the existing drainage easement boundary.
- (2) *A Combined Development Permit for physical site improvements (Planning File No. PLN060378)*. The Combined Development Permit consists of: (1) a Use Permit for development on slopes in excess of 30% to allow the demolition of an existing drainage facility, and the construction of a replacement drainage facility, and grading (approx. 7,200 cu. yds. cut/ 7,200 cu. yds. fill); and (2) an Administrative Permit to allow development within a Site Plan Review District or "S" zoning district. The Planning Commission approved this project on July 9, 2008.

Figure 1. Assessor's Parcel Number 416-193-013-000



### Creation of Drainage Easement

The subject parcel was created as part of the Mesa Hills West Subdivision in 1982 as a 40-acre property. The resolution approving the subdivision is attached as **Exhibit G**. The Final Environmental Impact Report (FEIR) prepared for the Mesa Hills West Subdivision indicates that the subject parcel and respective drainage infrastructure were designed to accommodate Sub-watershed No. 7 of the Canyon del Rey Watershed. Specifically, Mitigation Measure No. 9 of the FEIR requires on-sited stormwater drainage for the 196-acre watershed area to be directed to three

retention/siltation basins. The drainage facility on the subject parcel is one of these three retention/siltation basins. The drainage easement in its present configuration was recorded on the property as a result of a subsequent subdivision, the John Bolten Minor Subdivision (Minor Subdivision Committee Resolution No. MS 84-40, attached as **Exhibit H**) which further subdivided the subject 40-acre parcel into Parcel A (now Parcel 1), a 20.886-acre parcel, and Parcel B (now Parcel 2), a 19.114-acre parcel. See recorded Parcel Map attached as **Exhibit C**.

#### **Applicants' Fee Waiver Request Rationale**

The applicants request a refund for fees collected for the processing of Planning File No. PLN070643 via the approval of the subject fee waiver request. The Fee Waiver Request Form is attached as **Exhibit F**. The applicants maintain that the drainage facility easement is a private easement between the property owner and the Boots Road Maintenance Association ("BRMA"). (Note: BRMA supports the drainage improvements.) Furthermore, as a private easement, it could be revised to reflect the new detention facility location via private agreement between the parties. However, the easement boundary is illustrated and described with metes and bounds on a recorded parcel map (**Exhibit C**). As such, staff believed that the recorded map should be amended to make clear the boundaries of the drainage easement and to avoid any confusion in the official records. The applicants were amenable to a map amendment but were required to pay additional processing fees for the amendment. After discussions with staff, it was agreed that the applicants would apply for the map amendment with the understanding that they could request a waiver of the application fee. Staff indicated that formal approval of the fee waiver request would have to be obtained from the Planning Commission.

#### **Staff's Rationale**

Staff finds that the map amendment was appropriate in this instance pursuant to the Regulations for Correction and Amendment of Recorded Final or Parcel Maps as provided at Section 19.08.015.A.7 of the Monterey County Subdivision Ordinance (Title 19) (see **Exhibit D**). Without the benefit of an amended map, small portions of the proposed drainage infrastructure would have occurred outside of the recorded drainage easement boundary and within a recorded scenic easement (see Figure 1). County Code requires that to modify a recorded final/parcel map an amending map shall be considered by the appropriate decision making body that approved the recorded map. For the subject parcel, changes to the recorded drainage easement boundary required review and approval by the Minor Subdivision Committee. As such, the map amendment processed as Planning File No. PLN070643 was necessary.

#### **Conclusions**

Staff does not recommend approval of this fee waiver based upon the following:

- A. The map amendment entitlement was required pursuant to Section 19.08.015.A.7 of the Monterey County Subdivision Ordinance (Title 19).
- B. The fee waiver request does not meet the Fee Waiver Policy criteria adopted by the Board of Supervisors.

**Exhibit B**  
**Minor Subdivision**  
**Resolution No. 08015 for PLN070643**

**MINOR SUBDIVISION COMMITTEE  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 08015

AP # 416-193-013-000

**REVISED**  
8-15-2008

FINDINGS AND DECISION

In the matter of the application of  
**Douglas and Lu Ann Meador TRS (PLN070643)**

for a **Minor Subdivision Amendment**, in accordance with Chapter 19.03, Title 19 (Subdivision) of the County of Monterey Code, to allow an amendment to the Mesa Hills West Final Map recorded at Vol. 17, PG 12 Par Maps (Resolution No. MS 84-40) to include the abandonment of an existing 145,600 square foot drainage easement boundary and the dedication of a 25,000 square foot drainage easement boundary. The property is located at 24700 Bit Road, Monterey, Greater Monterey Peninsula Area, and came on regularly for hearing before the Standard Subdivision Committee on June 12, 2008.

Said Standard Subdivision Committee, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. **FINDING: CONSISTENCY** – The subject Minor Subdivision (PLN070643), as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula Area Plan Inventory and Analysis, Monterey County Subdivision Ordinance (Title 19), and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for residential development.
- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) The property is located at 24700 Bit Road, Monterey (Assessor's Parcel Number 416-193-013-000), Greater Monterey Peninsula Area Plan. The property is zoned "RDR/B-6-D-S" or Rural Density Residential with Building Site, Design Control, and Site Plan Review zoning district overlays. The property complies with the size requirements of the land use and zoning designations.
- (c) Site Plan Review or "S" zoning requires review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. This application involves an Amendment to a recorded subdivision map and is not subject to any permit required by the Site Plan Review zoning district overlay. However, site improvements within the drainage easement require an Administrative Permit as provided by Section 21.45.040.C of the Monterey County Zoning Ordinance (Title 21) for the construction of structures, additions, deposit, or removal of materials. As-such, improvements within the drainage easement are the subject of Planning Department File No. PLN060378.

- (d) Design Control or "D" zoning requires design review of structures to assure the protection of the public viewshed, neighborhood character, and the visual integrity of certain developments without imposing undue restrictions on private property. The construction of structures is not part of the subject application and therefore a Design Approval application is not incorporated.
- (e) Subdivision Ordinance (Title 19) requires a Map Amendment to allow the subject drainage easement boundary to be adjusted pursuant to Section 19.08.015.A.7 of the Monterey County Subdivision Ordinance (Title 19). See Finding No. 4.
- (f) The drainage replacement consists of two phases: site improvements and a map amendment. The site improvements were referred to the Greater Monterey Peninsula (LUAC) on August 16, 2006. The LUAC recommended approval of the site improvements with a 3-0 vote with one member absent to include the condition that the Applicants install a grate over the culvert, which passes under Bit Road. At that time, the project did not include the map amendment component. After further review of the proposed site improvements, staff noted that some of the improvements would occur outside the existing drainage easement boundary and a map amendment would be required to change the drainage easement boundary. On February 14, 2008, the Applicants submitted an application requesting a map amendment to the John Bolten Minor Subdivision map. The project was referred to the GMP LUAC for review on March 5, 2008. The Committee denied the project with a 5-0 vote with one member absent. The basis of the denial appears to have stemmed from a lack of information relayed to the LUAC members regarding how the two projects are related to each other. In order to achieve the site improvements previously approved by the LUAC, the map amendment is required for improvements outside the existing drainage easement. Due to scheduling difficulties the map amendment component was not rescheduled for LUAC review. The minutes for both meetings are attached as Exhibit G to the June 12, 2008 Minor Subdivision Committee Staff Report.
- (g) The project planner conducted a site inspection on July 13, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
- (h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency – Planning Department for the proposed development found in Project File PLN070643.

**2. FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Parks Department, Public Works, Environmental Health Division, Water Resources Agency, and Housing & Redevelopment. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - (b) The property is located at 24700 Bit Road, Monterey (Assessor's Parcel Number 416-193-013-000), Carmel Valley Master Plan. The property is zoned "RDR/B-6-D-S" or Rural Density Residential with Building Site, Design Control, and Site Plan Review zoning district overlays. The property complies with the size requirements of the land use and zoning designations.
  - (c) This application requests an amendment to the parcel map recorded at the Monterey County Recorder's Office at Volume 17, Page 12, attached as Exhibit H to the June 12, 2008 Minor Subdivision Committee Staff Report. The amendment

consists of the abandonment of an existing 145,600 square foot drainage easement boundary and the creation of a 25,000 square foot drainage easement boundary. The existing 145,600 square foot drainage easement boundary conforms to the existing drainage facility that can be described as a dam and as a stormwater detention pond. Within the proposed storm drain easement, the applicant is proposing a replacement pond designed to limit the 100-year post-development runoff rate to the 2-year pre-development rate. The pond is designed with 9,163 cubic feet of silt storage capacity and 41,852 cubic feet of stormwater storage capacity. The design criteria exceeds the County stormwater detention standards for new development.

- (d) The parcel was created by the Mesa Hills West Subdivision in 1982. The resolution and tentative map of the subdivision are attached as Exhibit H & I to the June 12, 2008 Minor Subdivision Committee Staff Report. The Final EIR prepared for the Mesa Hills West Subdivision indicates that the subject parcel and respective drainage infrastructure were designed to accommodate Sub-watershed No. 7 of the Canyon del Rey Watershed. The Sub watershed No. 7 has a tributary drainage of 196 acres that includes Lots 31-33, 36-47, and portions of Lots 1, 26, 27, 28, 29, 30, 34, and 35 of the Mesa West Subdivision. The subject 40-acre property was a remainder parcel of the Mesa West Subdivision, which contained a drainage facility as prescribed by the project's EIR, specifically as Mitigation Measure No. 9, which required on-site drainage for the 196-acre Mesa West Subdivision area to be directed to three retention/siltation basins. The drainage facility on the subject parcel is one of these three retention/siltation basins. The drainage easement in its present configuration was recorded on the property as a result of Minor Subdivision Resolution No. 88-90 (John Bolten Minor Subdivision).
- (e) In 1986, the John Bolten Minor Subdivision and the adoption of Minor Subdivision Resolution No. 88-90, attached as Exhibit J to the June 12, 2008 Minor Subdivision Committee Staff Report, further subdivided the subject 40-acre parcel. This subdivision resulted in the creation of Parcel A, a 20.886-acre parcel, and Parcel B, a 19.114-acre parcel. Parcel A, consists of a 19.84 acres in scenic easement and 1.046 acres available for residential development. Parcel B consists of 10.655 acres in scenic easement, the road alignment for Boots Road, and the subject drainage easement. It is important to note that Conditions 10 and 11 of Subdivision Resolution No 88-90 specifically address concerns regarding the dam. Condition No. 10 requires that "a study be done by a Registered Civil Engineer to determine the adequacy and condition of the dam and the adequacy of the pond for its intended purpose of storm water detention." In addition, Condition No. 11 specifies that the future owners of the Parcel 2 are responsible to ensure that inspections and maintenance of the dam occur on a regular basis. In 1988, an Amendment to the John Bolten Minor Subdivision Resolution No. 88-90 (Exhibit K of the June 12, 2008 Minor Subdivision Committee Staff Report) amended the original subdivision approval. This amendment modified Condition No. 11 from requiring that the property owner be responsible for the regular inspection and maintenance of the dam to requiring the Boots Road Maintenance Association be responsible for the maintenance of the dam, outlet facilities, and the periodic removal of accumulated sediment. The current property owner, Douglas & Lu Ann Meador, requests the subject application for the drainage easement amendment, however correspondence attached at Exhibit O of the June 12, 2008 Minor Subdivision Committee Staff Report, confirms that their request is an action on behalf of the Boots Road Maintenance Association.

- (f) Drainage Report prepared by WWD Corporation for Meador Property, Assessor's Parcel Number 416-193-013-000 dated March 2007 (LIB070165).
- (g) Drainage Report prepared by WWD Corporation for Meador Property, Assessor's Parcel Number 416-193-013-000 dated May 15, 2006 (LIB080281).
- (h) Staff conducted a site visit on July 13, 2006 to verify that the site is suitable for this use.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency – Planning Department for the proposed development found in Project File No. PLN070643.

3. **FINDING: CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

**EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15302. Class 2 categorically exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The existing drainage easement is a like-for-like replacement of the existing drainage facility that is failing.

(b) This application requests an amendment to the parcel map recorded at the Monterey County Recorder's Office at Volume 17, Page 12, attached as Exhibit H to the June 12, 2008 Minor Subdivision Committee Staff Report. The amendment consists of the abandonment of an existing 145,600 square foot drainage easement boundary and the creation of a 25,000 square foot drainage easement boundary. The existing 145,600 square foot drainage easement boundary conforms to the existing drainage facility that can be described as a dam and as a stormwater detention pond. Within the proposed storm drain easement, the Applicant is proposing a replacement pond designed to limit the 100-year post-development runoff rate to the 2-year pre-development rate. The pond is designed with 9,163 cubic feet of silt storage capacity and 41,852 cubic feet of stormwater storage capacity. The design criterion exceeds the County stormwater detention standards for new development.

(c) No adverse environmental effects were identified during staff review of the project application and during site-visits on July 13, 2006.

(d) See preceding and following findings and supporting evidence.

4. **SUBDIVISION ORDINANCE (TITLE 19)** – The Monterey County Subdivision Ordinance Section 19.08.015.A.7 requires that after a final or parcel map if filed in the Office of the County Recorder, it may be amended by a certificate of correction or amending map to make modifications to a final map or parcel map where there are changes which make any or all of the conditions of the map no longer appropriate or necessary provided the modifications do not impose any additional burden on the present fee owner of the property, nor alter any right, title or interest in the real property reflected on the recorded map. The modification shall be considered at consecutive public hearings by the appropriate decision-making body(s) that approved or recommended approval the original tentative map or the tentative parcel map. The appropriate decision making body shall confine the hearing consideration of, and action on, the proposed modification.

**EVIDENCE:** (a)

The drainage easement in its present configuration was recorded on the property as a result of Minor Subdivision Resolution No. MS 82-66. The property subject to subdivision MS 84-40 was resultant remainder parcel created by the Mesa Hills West Subdivision in 1982. The resolution and tentative map of the subdivision are attached as Exhibit J of the June 12, 2008 Minor Subdivision Committee Staff Report. The Final EIR prepared for the Mesa Hills West Subdivision indicates that the subject parcel and respective drainage infrastructure were designed to accommodate Sub-watershed No. 7 of the Canyon del Rey Watershed. The Sub watershed No. 7 has a tributary drainage of 196 acres that includes Lots 31-33, 36-47, and portions of Lots 1, 26, 27, 28, 29, 30, 34, and 35 of the Mesa West Subdivision. The subject 40-acre property was a remainder parcel of the Mesa West Subdivision, which contained a drainage facility as prescribed by the project's EIR, specifically as Mitigation Measure No. 9, which required on-site drainage for the 196-acre Mesa West Subdivision area to be directed to three retention/siltation basins. The drainage facility on the subject parcel is one of these three retention/siltation basins.

(b) In 1986, the John Bolten Minor Subdivision and the adoption of Minor Subdivision Resolution No 88-90, attached as Exhibit J to the June 12, 2008 Minor Subdivision Committee Staff Report, further subdivided the subject 40-acre parcel. This subdivision resulted in the creation of Parcel A, a 20.886-acre parcel, and Parcel B, a 19.114-acre parcel. Parcel A, consists of a 19.84 acres in scenic easement and 1.046 acres available for residential development. Parcel B consists of 10.655 acres in scenic easement, the road alignment for Boots Road, and the subject drainage easement. It is important to note that Conditions 10 and 11 specifically address concerns regarding the dam. Condition No. 10 requires that "a study be done by a Registered Civil Engineer to determine the adequacy and condition of the dam and the adequacy of the pond for its intended purpose of storm water detention." In addition, Condition No. 11 specifies that the future owners of the Parcel 2 are responsible to ensure that inspections and maintenance of the dam occur on a regular basis. In 1988, an Amendment to the John Bolten Minor Subdivision Resolution No. 88-90 (Exhibit K of the June 12, 2008 Minor Subdivision Committee Staff Report) amended the original subdivision approval. This amendment modified Condition No. 11 from requiring that the property owner be responsible for the regular inspection and maintenance of the dam to requiring the Boots Road Maintenance Association be responsible for the maintenance of the dam, outlet facilities, and the periodic removal of accumulated sediment. The current property owner, Douglas & Lu Ann Meador, requests the subject application for the drainage easement amendment, however correspondence attached at Exhibit O to the June 12, 2008 Minor Subdivision Committee Staff Report, confirms that their request is an action on behalf of the Boots Road Maintenance Association.

(c) This application requests an amendment to the parcel map recorded at the Monterey County Recorder's Office at Volume 17, Page 12, attached as Exhibit H to the June 12, 2008 Minor Subdivision Committee Staff Report. The amendment consists of the abandonment of an existing 145,600 square foot drainage easement boundary and the creation of a 25,000 square foot drainage easement boundary. The existing 145,600 square foot drainage easement boundary conforms to the existing drainage facility that can be described as a dam and as a stormwater detention pond. Within the proposed storm drain easement, the Applicant is proposing a replacement pond designed to limit the 100-year post-development runoff rate to the 2-year pre-development rate. The pond is designed with 9,163

cubic feet of silt storage capacity and 41,852 cubic feet of stormwater storage capacity. The design criterion exceeds the County stormwater detention standards for new development.

- (e) Drainage Report prepared by WWD Corporation for Meador Property, Assessor's Parcel Number 416-193-013-000 dated March 2007 (LIB070165).
- (f) Drainage Report prepared by WWD Corporation for Meador Property, Assessor's Parcel Number 416-193-013-000 dated May 15, 2006 (LIB0080281).
- (g) The application, project plans, and related support materials submitted by the project Applicant to the Monterey County Resource Management Agency – Planning Department for the proposed development found in Project File PLN070643.

5. **FINDING: INCLUSIONARY HOUSING REQUIREMENT** – Subdivisions in Monterey County are subject to review by the Resource Management Agency – Housing and Redevelopment Office for conformance to the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code.

- EVIDENCE:**
- (a) This project will not result in the creation of lots of record and is therefore not subject to the above referenced Inclusionary Housing Ordinance.
  - (b) Materials in project file PLN070643.

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

- EVIDENCE:**
- (a) Staff reviewed Monterey County RMA – Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - (b) See Findings 1 and 2.

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

**EVIDENCE:** Preceding findings and supporting evidence.

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

**EVIDENCE:** Section 19.16.020.B of Title 19, Monterey County Subdivision Ordinance.

### DECISION

**THEREFORE**, it is the decision of said Standard Subdivision Committee that the amendment to the Mesa Hills West Final Map be granted, subject to the attached conditions.

**PASSED AND ADOPTED** this 12th day of June, 2008 by the following vote:

AYES: Hori, Onciano, McPharlin, Juarez, Van Horn  
NOES: None  
ABSENT: Vandevere

  
\_\_\_\_\_  
JACQUELINE ONCIANO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON: JUL 01 2008

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 11 2008

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

Monterey County Resources Management Agency Planning  
 Department  
 Condition Compliance and Mitigation Monitoring Reporting Plan

Project Name: Douglas & Lu Ann Meador TRS

File No: PLN070643

APN: 416-193-013-000

Approved by: Minor Subdivision Committee

Date: June 12, 2008

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. 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)
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Minor Subdivision Amendment (PLN070643) allows an Amendment to the Mesa Hills West Final Map recorded at Volume 17, Page 12 of Parcel Maps (Resolution No. MS 84-40) to include the abandonment of an existing 145,600 square foot drainage easement boundary and the dedication of a 25,000 square foot drainage easement boundary. The property is located at 24700 Bit Road, Monterey (Assessor's Parcel Number 416-193-013-000), Greater Monterey Peninsula Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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)				
2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice, which states: "A Minor Subdivision (Resolution 08015) was approved by the Minor Subdivision for Assessor's Parcel Number 416-193-013-000 on June 12, 2008. The Minor Subdivision was granted subject to 10 conditions of approval, which run with the land. A copy of the Minor Subdivision is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the parcel map, whichever occurs first	

<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>
		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)			and as applicable	
4.		PD015 - NOTE ON MAP-STUDIES A note shall be placed on the amended parcel map or a separate sheet to be recorded with the parcel map stating that: "A drainage report report (LIB070165) dated March 2007, has been prepared on this property by WWD Corporation, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)	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 parcel map	
5.		PD015 - NOTE ON MAP-STUDIES A note shall be placed on the amended parcel map or a separate sheet to be recorded with the parcel map stating that: "A drainage report report (LIB080281) dated May 15, 2006, has been prepared on this property by WWD Corporation, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in	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 parcel map	

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)
		said report shall be followed in all further development of this property.” The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)				
6.		PD023 – EASEMENT - SCENIC (SLOPE) A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30% post grading/construction conditions. The easement shall be developed in consultation with certified professional. A scenic easement deed shall be submitted to, and approved by, the Director of the RMA - Planning Department prior to issuance of grading or building permits. (RMA – Planning Department)	Submit the scenic easement deed and corresponding map, developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.  Record the deed and map showing the approved scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant/ Certified Professional  Owner/ Applicant	Prior to the issuance of grading and building permits  Prior to parcel map or commencement use	
7.		PWSP001– AMENDED PARCEL MAP (NON-STANDARD) Submit an amended parcel map delineating all existing and required easements and rights-of-way and monument new lines. (Public Works)	Applicant’s surveyor shall prepare parcel map, submit to DPW for review and approval.	Owner/ Applicant/ Engineer	Prior to Recordation of Parcel Map	
8.		WRSP001 - STORMWATER DETENTION (NON-STANDARD) Prior to issuance of any grading permits, 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 facilities to mitigate the impact of impervious surface stormwater runoff. 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 to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading permits	

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)
9.		<p>WRSP002 - COMPLETION CERTIFICATION (NON-STANDARD)</p> <p>Prior to filing of final map, the applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that the stormwater detention facilities have been constructed in accordance with approved plans. (Water Resources Agency)</p>	<p>Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.</p>	Owner/ Applicant	Prior to filing of final map	
10.		<p>WRSP003 - DRAINAGE &amp; FLOOD CONTROL SYSTEMS AGREEMENT (NON-STANDARD)</p> <p>Prior to filing the final map, a copy of a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> shall be provided to the Water Resources Agency for review &amp; approval. The agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Agency for review and approval no later than August 15 of each year. If the homeowners' association, or other maintenance entity, 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. (Water Resources Agency)</p>	<p>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.</p> <p>Submit an annual report to the Water Resources Agency for review and approval.</p>	Owner/ Applicant	The agreement shall be recorded concurrently with the final map	

END OF CONDITIONS

# GREATER MONTEREY PENINSULA

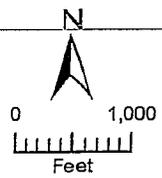


APPLICANT: MEADOR

APN: 416-193-013-000

FILE # PLN070643

 300' Limit    250' Limit    City Limits



PLANNER: MANUGUERRA

**Exhibit C**  
**Mesa Hills West Land Co., Inc.**  
**Parcel Map**

**OWNERS' CERTIFICATE**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO, THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP, AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY, AND WE CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE SUBDIVISION BOUNDARY LINES.

*Edward F. Hogan*  
 MESA HILLS LAND COMPANY, INC., A CALIFORNIA CORPORATION  
 ED HOGAN, PRESIDENT

1. INDIAN RIDGE DEVELOPMENT CORP., A CORPORATION, SUCCESSOR BY MERGER WITH HIDDEN HILLS LAND COMPANY, A CORPORATION, AND WESTERN TITLE COMPANY, A CORPORATION, A MONTEREY COUNTY DIVISION, A CORPORATION, HOLDERS OF EASEMENTS AFFECTING ALL THAT PORTION WITHIN THE LIMITS OF RIDGE ROAD AS CONVEYED BY VARIOUS DEEDS OF RECORD AND AS ESTABLISHED BY DEEDS EXECUTED BY AND BETWEEN THE ABOVE-NAMED CORPORATIONS, RECORDED JANUARY 25, 1969 ON REEL 593, OFFICIAL RECORDS, PAGES 79 AND 86, AND RECORDED MARCH 10, 1970 ON REEL 642, OFFICIAL RECORDS, PAGES 628 AND 634.
4. INDIAN RIDGE DEVELOPMENT CORP., A MASSACHUSETTS CORPORATION, HOLDER OF AN EASEMENT FOR ROADWAY PURPOSES RECORDED OCTOBER 26, 1970, REEL 672, OFFICIAL RECORDS, PAGE 354.
5. EDWARD F. HOGAN, ET UX., HOLDER OF AN EASEMENT FOR ROADWAY AND SANITARY SEWER PURPOSES OVER A STRIP OF LAND 30 FEET WIDE BY DEED DATED AUGUST 28, 1970 AND RECORDED SEPTEMBER 17, 1970, REEL 666, OFFICIAL RECORDS, PAGE 947; ALSO HELD BY HIDDEN HILLS WEST, LTD., A LIMITED PARTNERSHIP, BY DEED DATED AUGUST 28, 1970 AND RECORDED SEPTEMBER 17, 1970, REEL 666, OFFICIAL RECORDS, PAGE 950; ALSO HELD BY MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT, BY DEED DATED JULY 1, 1970 AND RECORDED OCTOBER 26, 1970, REEL 672, OFFICIAL RECORDS, PAGE 356.
6. EDWARD R. REIMS, ET UX., HIDDEN HILLS WEST, LTD., A LIMITED PARTNERSHIP, EDWARD F. & MARGARET M. HOGAN, HUSBAND AND WIFE, HOLDERS OF A NON-EXCLUSIVE RIGHT-OF-WAY FOR ROAD AND UTILITY PURPOSES, BY DEED DATED OCTOBER 18, 1970 AND RECORDED OCTOBER 29, 1970, REEL 672, OFFICIAL RECORDS, AT PAGES 1086, 1089 AND 1092, RESPECTIVELY.
7. INDIAN RIDGE DEVELOPMENT CORP., A MASSACHUSETTS CORPORATION, AND STANDARD INTERNATIONAL CORPORATION, AN OHIO CORPORATION, HOLDERS OF EASEMENTS FOR ROAD, UTILITY, AND DRAINAGE PURPOSES, AND FOR HIKING AND BRIDLE PATHS AS RESERVED IN DEED RECORDED DECEMBER 8, 1971, REEL 740, OFFICIAL RECORDS, PAGE 550.
8. CARMEL VALLEY MUTUAL WATER COMPANY, HOLDER OF A 5-FOOT WIDE EASEMENT FOR WATER PIPELINES, RECORDED DECEMBER 11, 1976, REEL 1294, OFFICIAL RECORDS, PAGE 452.

THE SIGNATURES OF THE FOLLOWING ARE NOT REQUIRED AS THEY HOLD ONLY CERTAIN INTEREST THAT CANNOT RIPEN INTO A FEE:

1. PACIFIC GAS & ELECTRIC COMPANY, HOLDER OF A RIGHT-OF-WAY FOR GAS PIPE LINES AND APPURTENANCES, RECORDED OCTOBER 3, 1929 IN VOLUME 209, OFFICIAL RECORDS, PAGE 407.
2. UTAH CONSTRUCTION AND MINING CO., A CORPORATION, AS FOLLOWS:  
 HOLDER OF AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER RIDGE ROAD, RECORDED JULY 6, 1970, IN REEL 657, OFFICIAL RECORDS, PAGE 148.  
 HOLDER OF A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES AND APPURTENANCES THEREON, RECORDED DECEMBER 2, 1970, REEL 677, OFFICIAL RECORDS, PAGE 209.  
 HOLDER OF A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, CONVEYED BY THE FOLLOWING DEEDS:  
 (a) FROM HIDDEN HILLS WEST LTD., DATED NOVEMBER 16, 1970 AND RECORDED DECEMBER 2, 1970, REEL 677, OFFICIAL RECORDS, PAGE 212.  
 (b) FROM INDIAN RIDGE DEVELOPMENT CORP., DATED NOVEMBER 9, 1970 AND RECORDED DECEMBER 2, 1970, REEL 677, OFFICIAL RECORDS, PAGE 214.  
 (c) FROM EDWARD F. HOGAN AND MARGARET M. HOGAN, HUSBAND AND WIFE, DATED NOVEMBER 16, 1970 AND RECORDED DECEMBER 2, 1970, REEL 677, OFFICIAL RECORDS, PAGE 216.

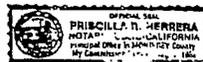
**SURVEYOR'S CERTIFICATE**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DANIEL E. HOGAN ON APRIL 1986. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

SIGNED *Juan N. Van Zook*  
 JUAN N. VAN ZOOK  
 REGISTERED CIVIL ENGINEER NO. 15310  
 EXPIRATION DATE: MAY 31, 1989

**NOTARY CERTIFICATES**

STATE OF CALIFORNIA  
 COUNTY OF MONTEREY  
 ON 21 August 1986 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Edward F. Hogan known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed the within instrument as Principal OR ON BEHALF OF THE CORPORATION THEREIN DULY AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BYLAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS.  
 WITNESS MY HAND AND OFFICIAL SEAL.  
 SIGNATURE: Priscilla R. Herrera  
 NAME: Priscilla R. Herrera  
 (TYPED OR PRINTED)



**COUNTY SURVEYOR'S CERTIFICATE**

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES.

DATED OCTOBER 6, 1986  
 BRUCE M. McCLAIN  
 COUNTY SURVEYOR  
*Bruce McClain*  
 DEPUTY E 2735  
 Expires 3-31-89

**COUNTY RECORDER'S CERTIFICATE**

FILED FOR RECORD AT THE REQUEST OF BESTOR ENGINEERS, INC., THIS 21ST DAY OF OCTOBER, 1986, AT 11:50 A.M., IN VOLUME 017 OF PARCEL MAPS AT PAGE 12, RECORDS OF MONTEREY COUNTY, CALIFORNIA.

ERNEST A. MAGGINI  
 COUNTY RECORDER  
*Ernest A. Maggini*  
 DEPUTY  
 SERIAL NO. 55374 FEE: \$ 8.00

**NOTICE:**

THIS PROPERTY IS LOCATED WITHIN OR PARTIALLY WITHIN A FLOOD PLAIN AND MAY BE SUBJECT TO BUILDING AND/OR LAND USE RESTRICTIONS. ADDITIONAL INFORMATION REGARDING THE EXTENT IMPACT OF THE FLOOD PLAIN ON THIS PROPERTY MAY BE OBTAINED FROM THE COUNTY FLOOD CONTROL DISTRICT.  
 THE OWNER OF PARCEL 2 AS SHOWN ON THIS PARCEL MAP IS RESPONSIBLE TO SEE THAT INSPECTIONS OF THE DAM, LOCATED ON SAID PARCEL, ARE CONDUCTED ON AN ANNUAL BASIS AND THAT ANY NECESSARY MAINTENANCE IS ACCOMPLISHED. THIS COVENANT SHALL RUN WITH THE LAND.

M.S. 84-40

**Parcel Map**

Of 40.00 Acres Parcel in Monterey City Lands Tract No. 2  
 As Described in Deed Recorded in Reel 740 Official Records, Pg. 550  
 COUNTY OF MONTEREY, CALIFORNIA

FOR  
 MESA HILLS LAND CO., INC.  
 BY

**B** BESTOR ENGINEERS, INC.  
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING  
 400 CAMINO ADUJITO, MONTEREY, CALIFORNIA 93940  
 Scale: 1"=100' W.O. 2591.40 Date: APRIL 1986

LOG 4677

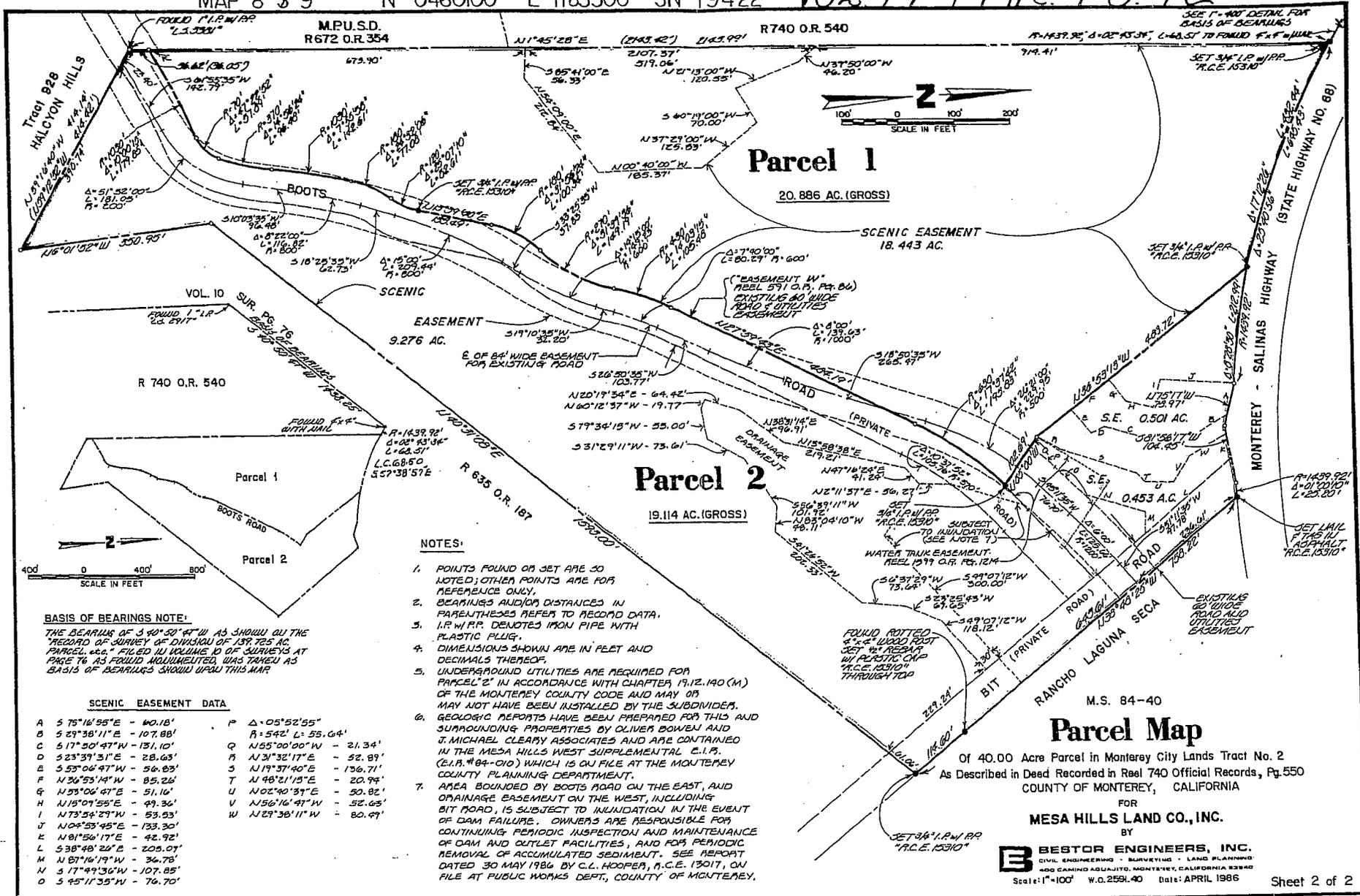


AP 416-151 - 07-01

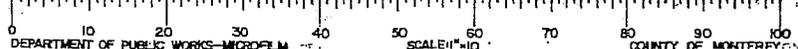
MAP 8 & 9

N 0460100 E 1183500 SN 19422

VOL 17 PAR. PG. 12



LOG 4677



AP 416-151-07+09

**BESTOR ENGINEERS, INC.**  
CIVIL ENGINEERING - SURVEYING - LAND PLANNING  
400 GAMING ADJUTANT, MONTEREY, CALIFORNIA 93940  
Scale: 1"=100' W.C. 2591.40 Date: APRIL 1986

Sheet 2 of 2

**Exhibit D**  
**Chapter 19.08 of the**  
**Monterey County**  
**Subdivision Ordinance (Title 19)**

## SUBDIVISIONS

(04/96)

project review map may receive 0-25 lots per year. The Board of Supervisors, at its discretion may allocate lots in subsequent years. Those lots allocated in future years would be monitored. Lots allocated, for which a tentative map is subsequently approved, and then expires prior to recordation of a final map shall revert to the allocation quantity in the year of map expiration.

Affirmation of a score shall not be construed an approval of a project.

I. After the Board of Supervisors has completed public hearings relative to allocating lots proposed standard subdivision or minor subdivision, the preliminary project review map may be converted to a tentative map or tentative parcel map. Applications for a tentative map or tentative parcel map shall follow the procedures as set forth in Chapters III and IV of Title 19.

### Chapter 19.08

#### MODIFICATION OF CONDITIONS, REVISED TENTATIVE MAPS AND CORRECTION OF AND AMENDMENT TO RECORDED FINAL OR PARCEL MAPS

##### Sections:

19.08.005 Revision(s) to an Approved Tentative Map.

19.08.010 Modification(s) of Conditions to an Approved Tentative Map.

19.08.015 Correction and Amendment of Recorded Final or Parcel Maps.

##### 19.08.005 REVISION(S) TO AN APPROVED TENTATIVE MAP.

A. Revision of an approved tentative map or tentative parcel map may be considered by the appropriate decision making body upon application in writing by the subdivider or developer provided that:

1. The final or parcel map has not been filed for record;
2. No lots, units or building sites are added or deleted;
3. The changes are consistent with the applicable General Plan, Area Plan, Coastal Land

Use Plan, Master Plan or Specific Plan;

4. There are no resulting violations of Monterey County Codes; and
5. There will be no new significant adverse environmental effect from the change.

B. A proposed revision of a tentative map (standard subdivision) shall be considered consecutively by the Standard Subdivision Committee and Planning Commission. A proposed revision of a tentative parcel map (minor subdivision) shall be considered after public notice by the appropriate decision making body. The appropriate decision making body shall confine its consideration and action to the proposed revisions to the tentative map or tentative parcel map.

## SUBDIVISIONS

(04/96)

C. Any such approved revision shall not alter the expiration date of the tentative map or tentative parcel map, and shall not relieve the burden of responsibility to complete all conditions of the tentative map by the subdivider. Any proposed modification to an approved tentative map other than an insignificant modification as described above shall be processed as an application for a new subdivision. (Ord. 3797, 1994.)

### 19.08.010 MODIFICATION(S) OF CONDITIONS TO AN APPROVED TENTATIVE MAP OR TENTATIVE PARCEL MAP.

A. Modifications of conditions to an approved tentative map or approved tentative parcel map may be considered by the appropriate decision making body provided that:

1. The final or parcel map has not been filed for record;
2. No lots, units or building sites are added or deleted;
3. The changes are consistent with the applicable General Plan, Area Plan, Coastal Land Use Plan, Master Plan or Specific Plan;
4. There are no resulting violations of Monterey County Codes; and
5. There will be no new significant adverse environmental affect from the change.

B. A proposed modification of conditions of an approved tentative map (standard subdivision) be considered at duly noticed public hearing held consecutively by the Standard Subdivision Committee and the Planning Commission. A proposed modification of conditions of an approved tentative parcel map (minor subdivision) shall be considered after public notice by the appropriate decision m body. The appropriate decision making body shall confine its consideration and action to the proposed modified conditions of the approved tentative map or tentative parcel map.

C. Any such approved modification of conditions shall not alter the expiration date of the tentative map or tentative parcel map, and shall not relieve the burden of responsibility to complete all conditions of the tentative map by the subdivider. Any proposed modification of conditions to an approved tentative map or tentative parcel map other than an insignificant modification as described above shall be processed as an application for a new subdivision. (Ord. 3797, 1994.)

### 19.08.015 CORRECTION AND AMENDMENT OF RECORDED FINAL OR PARCEL MAPS.

A. After a final or parcel map is filed in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

1. To correct an error in any course or distance shown thereon;
2. To show any course or distance that was omitted therefrom;
3. To correct an error in the description of the real property shown on the map;
4. To indicate monuments set after the death, disability or retirement from practice or replacement of the engineer or surveyor charged with responsibilities for setting monuments;
5. To show the proper location of any monument which has been changed in location, or

## SUBDIVISIONS

(04/96)

character, or originally shown at the wrong location or shown incorrectly as to its character.

6. To correct any other type of map error or omission as approved by the County Surveyor which error or omission does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

7. To make modifications to a final map or parcel map where there are changes which make any or all of the conditions of the map no longer appropriate or necessary provided the modifications do not impose any additional burden on the present fee owner of the property, nor alter any right, title or interest in the real property reflected on the recorded map. The modification shall be considered consecutive public hearings by the appropriate decision making body(s) that approved or recommended approval of the original tentative map or the tentative parcel map. The appropriate decision making body shall confine the hearing to consideration of, and action on, the proposed modification.

B. The amending final or parcel map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Sections 19.03.040 if a final map, and Section 19.04.045 if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

C. The amending final or parcel map or certificate of correction, complete as to final form, shall be submitted to the County Surveyor for review and approval. The County Surveyor shall examine the amending final or parcel map or certificate of correction and if the only changes made are those set forth in Section 19.08.015, this fact shall be certified by the County Surveyor on the amending map or certificate of correction.

D. The amending final or parcel map or certificate of correction certified by the County Surveyor shall be filed in the office of the County Recorder. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index, respectively. Thereupon, the original final or parcel map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map. (Ord. 3797, 1994.)

**Exhibit E**  
**Fee Waiver Policy and**  
**Fee Waiver Procedure**

## **Fee Waiver Policy**

(adopted by Board of Supervisors August 29, 2000)

**The Director of Planning and Building Inspection may waive application and appeal fees for discretionary permit and building permit applications for:**

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
3. Special Handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided, and may include additional fees beyond the original application fees.
4. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.
5. Reclassification applications to bring property into consistency with existing General Plan land use designations.
6. County or other government agencies.
7. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
  - a. The proposed project is available for use by the general public; and
  - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
  - c. Is of obvious public benefit. Evidence of public benefit includes, but not limited to, projects that:
    - i Meet a public need previously identified or recognized by the Board of Supervisors;
    - ii. Provide a public facility not presently available in the community;
    - iii. Have generated obvious, substantial community support; or,
    - iv. Would either reduce County costs or increase County revenue.
9. General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated.

### **Requests Not Conforming to Policy:**

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

### **Appeal of Director's Decision:**

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

### **Payment of Fees:**

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded.

## FEE WAIVER PROCEDURE

1. Applicant meets with staff member to receive application materials. If applicant wishes to request a waiver of fees, the staff member gives the applicant a "Request for Fee Waiver" form.
2. Request for Fee Waiver and fees taken concurrently with the application. If waiver request conforms to the adopted Board policy, the staff member can waive fees at that time. The county land use departments shall receive copies of the approved waiver.
3. Request for Fee Waivers that do not conform to the adopted Board policy are routed to the other land use departments for review and recommendation concurrent with interdepartmental review. Routed materials must include the Request for Fee Waiver, the project description and plans prepared by the applicant.
4. The other county land use departments shall include their recommendations on the fee waiver as part of their interdepartmental review. If no recommendation is received it shall be deemed that the department(s) concur in the request.
5. After receiving the departments' recommendations the Director will consider the fee waiver request and forward a recommendation to the Planning Commission.
6. The applicant and land use agencies shall be notified of the date and time of the Planning Commission's consideration of the Director's recommendation.

### Payment of Fees:

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded within thirty days of the fee waiver.

**Exhibit F**  
**Fee Waiver Request**



FEE WAIVER REQUEST

Monterey County Planning & Building Inspection Department
168 West Alisal, Salinas, CA 93901
(831) 755-5025

Property owner: Meador
Address: 24700 Bit Road
City/State/Zip: Monterey, CA 93940
Phone: 831 372 7415
Email:

Representative Agent: John Bridges (Fenton & Keller)
Address: Box 791
City/State/Zip: Monterey, CA 93942
Phone: 831 373 1241
Email: JBridges@FentonKeller.com

Assessor's Parcel Number: 416-193-013

Description of Project: relocate sediment/detention basin and parcel map amendment re easement location

Fee Waiver Justification: private easement relocation. If required at all, map amendment is only a technical matter (because easement happens to show on map). Waiver request appropriate under circumstances based on discussions with Planning staff and County Counsel. Waiver requested = \$5,049.88

Department use only
Given out: By:
Received: By:
Referred to other agencies:
Fees waived by Director? [ ] Yes [ ] No Date
Basis for Waiver
Amount of Fees waived: P&BI
Health
WRA
PWD

**MONTEREY COUNTY**  
**PLANNING AND BUILDING INSPECTION DEPARTMENT**

168 West Alisal Street, Salinas, CA 939061  
Phone: (831) 755-5025

**RECEIPT OF PAYMENT**

Receipt #: R43066  
Date: 02/14/2008  
Paid By: LUANN SULLIVAN MEADOR PO BOX 22980 CARMEL CA 93922

File Number: PLN070643  
Owner Name: MEADOR J DOUGLAS & LU ANN TRS  
Parcel Number: 416-193-013-000  
Project Location: BIT ROAD

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Fee Code	Fee Description	Account	Payment Amt \$
1140	MS Amend Parcel Map-PLN	001-293-5311	2,451.40
1141	MS Amend Parcel Map-PW	001-199-5313	824.50
1142	MS Amend Parcel Map-WRA	203-930-5331	463.25
1143	MS Amend Parcel Map-EH	001-414-5323	606.05
1300	County Counsel	001-121-5279	533.80
1313	GP Implementation	001-293-4171	146.37
2701	Plan Storage/Scanning	001-293-5333	24.51

**PAYMENT INFORMATION**

Method	Chk #	Amount \$
Check	1401	5,049.88

Receipt Issued by:

*Fennel*  
LEMOSDL

2/14/08  
Date

LEMOSDL  
Transaction ID: 000078053

**Exhibit G**  
**Planning Commission Resolution No. 82-**  
**66 approving the Mesa Hills West**  
**Tentative Map**

RESOLUTION NO. 82-66  
MONTEREY COUNTY PLANNING COMMISSION  
STATE OF CALIFORNIA

1 WHEREAS: The tentative subdivision map of Mesa Hills West was filed  
2 with the Planning Commission on March 10, 1982 for consideration in conjunc-  
3 tion with the Environmental Impact Report certified by the Board of Super-  
4 visors on July 28, 1981, and

5 WHEREAS: The Planning Commission found the map in conformance to the  
6 Subdivision Ordinance and the General Plan, and

7 WHEREAS: The Planning Commission considered Condition No. 13 of the  
8 State Office of Planning and Research Extension Agreement of November 3, 1981  
9 and

10 WHEREAS: The Planning Commission, with reference to said Condition  
11 No. 13, recommends to the Board of Supervisors that it find, based on sub-  
12 stantial evidence submitted by the subdivider, that there is existing adequate  
13 water, sewer, and roadway capacity to service the proposed development, or  
14 that there is a reasonable probability that the infrastructure can be develop-  
15 ed pursuant to conditional approval of the application, now therefore be it

16 RESOLVED: That the tentative map of Mesa Hills West is hereby approv-  
17 ed subject to the conditions set out in Exhibit "A" attached hereto and made  
18 a part hereof.

19  
20 Regularly passed and adopted by the  
21 Planning Commission of the County of  
22 Monterey, State of California, on the  
23 10th day of March, 1982 by the follow-  
24 ing vote:

25 AYES: Basham, Calcagno, Jimenez,  
26 Mill, Reaves, Callotto

27 NOES: Hendrick

28 ABSENT: Owen, Varga

29 ATTEST:

30   
E. W. DEMARS, SECRETARY

31 PETER CALLOTTO, CHAIRMAN

32 THIS CONSTITUTES THE REPORT TO THE BOARD OF  
SUPERVISORS AS REQUIRED BY SECTION 6.7b OF THE SUBDI-  
VISION ORDINANCE AND IS SUBJECT TO THEIR APPROVAL

- 1 1. The subdivider shall submit three prints of the approved tentative map to  
 2 each of the following utility companies: Pacific Gas and Electric Co.,  
 3 Pacific Telephone Co., Water Company. Utility companies shall submit their  
 4 recommendations, if any, to the Director of Public Works for all required  
 5 easements.  
 6 2. The subdivider shall pay for all maintenance and operation of open space,  
 7 private roads, and storm drainage from the time of installation until ac-  
 8 ceptance of the improvements for the subdivision by the Board of Super-  
 9 visors as completed in accordance with the agreement and until a homeowners  
 10 association or other agency with legal authorization to collect fees suf-  
 11 ficient to support the services is formed to assure responsibility for the  
 12 services.  
 13 3. That all natural drainage channels be designated on the final map by ease-  
 14 ments labeled "Natural Drainage Easements".  
 15 4. That a drainage report be submitted for approval of the Director of Public  
 16 Works. The report is to include and show all tributary areas and informa-  
 17 tion pertinent to the capability of the detention ponds to include antici-  
 18 pated silt load.  
 19 5. That adequate storm water detention siltation ponds be provided for this  
 20 development to the satisfaction of the Director of Public Works such that  
 21 the flow rate from the subdivision will not exceed that from the tributary  
 22 area in its natural state during a ten year design storm. The Homeowners'  
 23 Association shall be responsible for maintenance of the ponds.  
 24 6. Where cuts or fills at property line exceed 5' driveways shall be rough  
 25 graded in when streets are rough graded, and positive drainage and erosion  
 26 control provided.  
 27 7. That the common driveways have passing turnouts as required by sight dis-  
 28 tance to the approval of the Public Works Director and have minimum traver-  
 29 sible width of 16 feet.  
 30 8. That catch basins be designed with grease traps.  
 31 9. That the improvement and grading plans include the specific plan and  
 32 implementation schedule of measure for the prevention and control of ero-  
 sion, siltation and dust during and immediately following construction and  
 until erosion control plantings become established. Temporary silt traps  
 may be required. This plan shall be approved by the Director of Building  
 Inspection for lot grading and the Public Works Director for road construc-  
 tion.  
 10. That all graded areas of the street right of way be planted and maintained  
 as required by the County Surveyor to control erosion. The area planted  
 shall include all shoulder areas and all cut and fill slopes. A report and  
 plan prepared by a qualified person shall be submitted to the satisfaction  
 of the County Surveyor and include the following:  
 a) That the cut and fill slopes can be stabilized.  
 b) Specific method of treatment and type of planting, by area for each soil  
 type and slope required to satisfy item a.  
 c) Type and amount of maintenance required to satisfy item a.  
 1. That cut slopes not exceed 1-1/2 to 1 except as specifically approved in con-  
 currence with the erosion control plan. Slope rounding shall be a minimum  
 of 10 feet by 10 feet to include replacement of topsoil.  
 2. That the subdivider deed to the County that area within the Official Plan  
 Lines of State Highway 63 subject to a reversionary clause whereby land not  
 used within a 20 year period is returned to the subdivider.  
 3. That abutters rights of access be relinquished along the Hidden Mesa Road  
 frontage of lots served by common driveways and along one frontage of  
 double frontage lots.  
 4. That a grading permit be obtained from the Building Department.  
 5. That a Homeowners Association be formed for open space, road and drainage  
 maintenance, grease trap cleaning, street sweeping and similar acts required  
 by the AMBAR 203 Study.  
 6. That an adequate access easement be provided to the storm water detention  
 siltation pond on Lots 25, 27, & 28, for maintenance purposes.

*Drainage  
Plan.*

(CONTINUED)

- 1 17. Perform percolation tests and/or soil borings as required by the Health  
2 Department to determine the subdivision's suitability for sewage disposal  
3 by septic tank system. When a determination of the depth to groundwater  
4 is necessary, that determination may be required during the rainy season.  
5 Lots determined to be unsuitable by the Health Department shall be converted  
6 to open space or combined with another suitable lot subject to the  
7 approval of the Director of Planning. The Health Department must be contacted  
8 to witness all soil borings and percolation tests.
- 9 18. Provide sufficient geological and hydrogeological data to assure that a  
10 subsurface sewage disposal system can be installed on each lot. Some lots  
11 may require building envelopes to be placed on the final map. Lots that  
12 are determined to be unsuitable for septic system use should be combined  
13 with other suitable lots subject to the approval of the Director of Planning.
- 14 19. Provide certification and any necessary documentation from State agencies  
15 that Carmel Valley Mutual Water Company can and will supply sufficient  
16 water flow and pressure to comply with both Health and fire flow standards,  
17 and submit a letter from the local fire agency stating that the system has  
18 been tested for compliance.
- 19 20. Contact the State Department of Health to determine the requirements for  
20 expanding Carmel Valley Mutual Water System. Forward all State Department  
21 of Health determinations and comments to the County Health Department.  
22 Submit plans for the proposed water system additions to the Health Department  
23 for approval and construct the additions according to the approved  
24 plans.
- 25 21. That a Soils Engineers Report be submitted to the Building Department.
- 26 22. That the lots and building setback line be applied in accordance with the  
27 recommendations contained in the geotechnical report referred to in the  
28 certified EIR.
- 29 23. That a scenic easement be conveyed to the County on slopes over 30%, open  
30 space parcels and forest reserve parcels. Scenic easement deed to be submitted  
31 to and approved by Director of Planning prior to filing of parcel  
32 map.
- 33 24. That improvement plans showing tree locations be submitted to the Planning  
34 Director demonstrating that attempts were made to avoid the removal of  
35 trees for the road construction.
- 36 25. That the subdivision restrictions shall contain the following requirements,  
37 restrictions and provisions in a form subject to the approval of the  
38 Director of Planning:
  - 39 (1) No trees shall be unnecessarily removed or damaged.
  - 40 (2) Off-road vehicles shall not be permitted in the open space and forest  
41 reserve parcels.
  - 42 (3) Dogs shall not be permitted to run free at any time.
  - 43 (4) Native vegetation and open space shall be preserved.
  - 44 (5) Fences shall be restricted to the immediate vicinity of dwellings.
  - 45 (6) Residences are encouraged to use fire resistant native vegetation  
46 and removed problem exotic vegetation.
  - 47 (7) Residents are encouraged to preserve the two rare and endangered  
48 species and one rare plant species that have been discovered in various  
49 locations in the vicinity. They are: Carmel Valley bushmallow, Toro  
50 Manzanita and Monterey ceanothus.
  - 51 (8) Construction shall be limited to daylight hours.
- 52 26. That the equestrian and hiking trail be dedicated to the public over Boots  
53 Road, Camino Nuevo and Hidden Mesa Road subject to the approval of the  
54 Director of Planning.
- 55 27. That the developer grant an avigation easement to the Monterey Peninsula  
56 Airport District.
- 57 28. That the subdivision be rezoned to an SC-B-6 & O classification.
- 58 29. Applicant shall comply with the requirements of the Inclusionary Housing  
59 Ordinance (Ordinance #2694) prior to filing of the final map.
- 60 30. In the event that the County of Monterey adopts an overall ordinance providing  
61 for the construction and funding of Highway 68 improvements prior  
62 to recordation of the final subdivision map, the subdivider shall comply  
63 with that ordinance.

(CONTINUED)

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31. That the subdivision annex to the Salinas Rural Fire District.
32. This approval is subject to the Board of Supervisors, making the necessary findings required by Condition No. 13 of the State Office of Planning and Research Extension Agreement of November 3, 1981.

**Exhibit H**  
**Minor Subdivision Committee Resolution**  
**No. MS 84-40 approving the**  
**John Bolten Minor Subdivision**

MINOR SUBDIVISION COMMITTEE  
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 86-10

MINOR SUBDIVISION # MS-84-40

A.P.# 416-151-07, 08 and 09

FINDINGS AND DECISION

In the matter of the application of Estate of John Bolten (MS-84-40) for a Minor Subdivision in accordance with Chapter 19.32 of Title 19 (Subdivisions) of the County of Monterey Code, to allow a minor subdivision to allow the division of a 40 acre parcel into three parcels of 21 acres, 14 acres and 5 acres each, located on Assessor's Map of Indian Ridge Development Corp., a portion of Township 16 South, Range 2 East, Monterey County Lands, Tract 2 & El Toro Rancho, Parcel 21, Hidden Hills area, fronting on and southerly of Highway 68, came on regularly for hearing before the Minor Subdivision Committee on February 13, 1986.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. Finding: The tentative map for this subdivision, together with the provisions for its design and improvement, is consistent with the Greater Monterey Area Peninsula Plan.

Evidence: The Greater Monterey Peninsula Area Plan land use element designates this parcel as "Rural Density Residential, 5+ acres per unit". The overall density of the project is 1 unit per 20.0 acres and the project is consistent with the other elements of the Land Use Plan.

2. Finding: The site of the proposed subdivision is physically suitable for the type of development proposed.

Evidence: The proposed minor subdivision will allow the development of 40 acres into 2 parcels of 21 acres and 19 acres. The 21 acre parcel (parcel A) will become a portion of lots 49, 50 and 51 and a portion of open space parcel "B" of Mesa Hills West Subdivision and has a designated building site on the upper portion of the lot that was approved as a part of the Mesa Hills West Subdivision (818). The 19 acre parcel is a combination of proposed parcels B and C. The lower portion of the combined parcels is developed and the remaining portions will be placed into scenic easement. The majority of the land in proposed parcel B is undevelopable because of slopes greater than 30% and limited access.

3. Finding: The design of the proposed minor subdivision is physically suitable for the proposed density of development.

Evidence: The proposed development will result in the creation of two lots of 19 acres and 21 acres. The 19 acre parcel (parcels B and C) is currently developed with a tract office for subdivision sales and the 21 acre parcel will become a part of the approved Mesa Hills West Subdivision. No further development of the property will take place.

4. Finding: The design of the subdivision proposed by the tentative map or the proposed improvements are not likely to cause substantial environmental damage or substantially or unavoidably injure fish or wildlife or their habitat.

Evidence: As determined by the Initial Study this property is not a significant wildlife habitat nor does it contain any rare or endangered plant/animal species.

5. Finding: The design of the subdivision proposed by the tentative map or type of improvements on the tentative map is not likely to cause serious public health problems.

Evidence: By virtue of the building site in lot A and the combination of lots B and C will allow areas of sufficient size to meet septic tank requirements of the Regional Water Quality Control Board and Monterey County Health Department as determined by the Initial Study.

6. Finding: In approving the proposed minor subdivision, the Minor Subdivision Committee has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

Evidence: The Committee has required, as a condition of approval, that the development comply with the County's Inclusionary Housing Ordinance in existence at the time the application for minor subdivision is deemed complete.

7. Finding: In approving the proposed minor subdivision, the Minor Subdivision Committee finds that the fulfillment of the required conditions of approval is necessary.

Evidence: For the public health, safety and orderly development in the surrounding area as determined by the Departments of Planning, Public Works, Flood Control and Health.

8. Finding: In approving the proposed minor subdivision the Minor Subdivision Committee has determined that the approval will have no significant effect on the environment and a negative declaration has been filed.

Evidence: As determined by the Initial Study for the proposed project.

9. Finding: In approving the proposed minor subdivision the Minor Subdivision Committee has considered the effect of this minor subdivision in relation with the supply and demand of current water resources of the area.

Evidence: The Minor Subdivision Committee has required that in order to approve this application for development the number of lots will be reduced from a proposal of 3 to 2 lots. This reduction will not increase the current demand of water in the area. Proposed lot A will be a portion of lots 49, 50 and 51 and a portion of open space parcel "B" of the previously approved Mesa Hills West Subdivision. Lots 49, 50 and 51 of Mesa Hills West have approved building sites and have been conditioned upon the approval of a water system that will be approved by the Environmental Health Division and the combination of proposed lots B and C is already developed.

10. Finding: Pursuant to Section 19.12.140(M) of the Monterey County Code, the Minor Subdivision Committee finds that a requirement for underground utilities on parcels B and C of MS-84-40 would be unreasonable and impractical.

Evidence: Parcels B and C will be combined into one parcel to be known as Parcel B as a condition of approval. Said parcel B is an already developed parcel with overhead utilities which are well screened by existing vegetation and topography. The extent of the screening was field checked by a Planning Department staff member on February 13, 1986.

#### DECISION

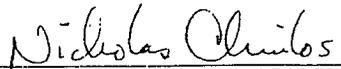
THEREFORE, it is the decision of said Minor Subdivision Committee that the Negative Declaration be adopted and that said application for a minor subdivision be granted as shown on the attached sketch subject to the following conditions:

1. That a note be placed on the parcel map indicating that "underground utilities are required for Parcel "A" in accordance with Chapter 19.12.140(M) of the Monterey County Code and may or may not have been installed by the subdivider." The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works.
2. That a scenic easement be conveyed to the County over those portions of the property where the slope exceeds 30%. Scenic easement deed to be submitted to and approved by Director of Planning prior to filing of parcel map.
3. That the developer grant an avigation easement to the Monterey Peninsula Airport District for each parcel created by this minor subdivision and that the deed by accepted by the Airport District prior to filing of the parcel map.
4. That a note be placed on the parcel map stating that "geologic reports have been prepared for this and surrounding properties by Oliver Bowen and J. Michael Cleary Associates and are contained in the Mesa Hills West Supplemental EIR (EIR #84-010) which is on file at the Monterey County Planning Department."

5. File parcel map delineating all existing and required easements or rights of way and monument new lines.
6. Thirty days prior to expiration date of the tentative map, Step A (8 items) of the County Surveyor's Check Off List for Parcel Map Processing shall be completed.
7. Prior to filing of the parcel map the applicant shall request in writing the combining "SC-B-6" zoning classification for combined parcels B and C and the combining "SC--B-5 21 acre minimum" for parcel A.
8. That lots B and C be combined into one lot to be identified as parcel B.
9. An analysis shall be performed by a Registered Civil Engineer to determine the area subject to inundation in the event of a dam failure. This area shall be placed in a drainage easement.
10. A study shall be done by a Registered Civil Engineer to determine the adequacy and condition of the dam and the adequacy of the pond for its intended purpose of storm water detention. If improvements are needed, they shall be completed prior to the filing of the parcel map, or a bond or acceptable surety shall be provided to the Director of Public Works for that purpose.
11. A notice shall be recorded advising future owners of Parcel "B" that they are responsible to see that inspections of the dam and pond are done on a regular basis and that necessary maintenance is accomplished. This notice shall also be placed on the parcel map. Notice shall be recorded concurrently with the parcel map.
12. That the standard hold-harmless agreement with County be required and that it be recorded.
13. Subdivider shall comply with Title 10.08 of Monterey County Code.
14. For Parcel "A", the subdivider shall contribute to a fund for drainage facility improvements in Canyon Del Rey his proportionate share to be determined by the Flood Control District.

PASSED AND ADOPTED THIS 13TH day of February, 1986, by the following vote:

AYES: Chiuolos, Friedrich, Naslund, Perkins, Plopa, Stewart  
NOES: None  
ABSENT: Riddle

  
NICHOLAS CHIULOS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO APPLICANT ON: February 21, 1986.

IF ANYONE WISHES TO APPEAL THIS DECISION, AND APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MARCH 4, 1986.

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.32.130, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON FEBRUARY 13, 1988. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

THESE PERMIT SUPERCEDES ALL PREVIOUS PERMITS PREVIOUSLY MAILED TO THE APPLICANT.

**Exhibit I**  
**Vicinity Map**

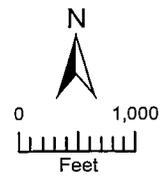
# GREATER MONTEREY PENINSULA



APPLICANT: MEADOR

APN: 416-193-013-000

 300' Limit     2500' Limit     City Limits



PLANNER: MANUGUERRA

**Exhibit J**  
**Draft Planning Resolution to**  
**Deny Fee Waiver Request**

**EXHIBIT J**  
**Before the Planning Commission in and for the**  
**County of Monterey, State of California**

Resolution No. \_\_\_\_\_

Deny the waiver of fees for the processing of )  
Planning File No. PLN070643, an )  
amendment to the Mesa Hills Land Co., Inc. )  
Parcel Map recorded at Vol. 17, Pg 12 of the )  
Monterey County Recorder's Office which )  
allowed the abandonment of an existing )  
145,600 square foot drainage easement )  
boundary and the dedication of a 25,000 )  
square foot drainage easement boundary )  
based upon Section 19.08.015.A.7 of the )  
Monterey County Subdivision Ordinance )  
(Title 19) which required the subject map )  
amendment entitlement. The property is )  
located at 24700 Bit Road, Monterey )  
(Assessor's Parcel Number 416-193-013- )  
000), Greater Monterey Peninsula Area.

WHEREAS, the subject parcel was created as a portion of a 40-acre property by Mesa Hills West Subdivision in 1982, Planning Commission Resolution No. 82-66; and

WHEREAS, the Final Environmental Impact Report (FEIR) prepared for the Mesa Hills West Subdivision indicates that the subject parcel and respective drainage infrastructure were designed to accommodate Sub-watershed No. 7 of the Canyon del Rey Watershed. Mitigation Measure No. 9 of the FEIR requires on-site stormwater drainage for the 196-acre watershed area to be directed to three retention/siltation basins. The drainage facility, a dam, on Assessor's Parcel Number 416-193-013-000, is one of these three retention/siltation basins; and

WHEREAS, as a result of a subsequent subdivision, the John Bolten Minor Subdivision (Minor Subdivision Committee Resolution No. 84-60) the property was further subdivided into a 40-acre property into Parcel A (now Parcel 1), 20.886-acre parcel, and Parcel B (now Parcel 2, the subject property Assessor's Parcel Number 416-193-013-000), a 19.114-acre parcel; and

WHEREAS, the dam is located within a drainage easement which is illustrated and described with metes and bounds on the Mesa Hills Land Co., Inc. Parcel Map recorded at Vol. 17, Pg 12 of the Monterey County Recorder's Office; and

WHEREAS, portions of the drainage infrastructure improvements proposed in Combined Development Permit (Planning File No. PLN060378) would have occurred outside of the recorded drainage easement boundary and within a recorded scenic easement; and

WHEREAS, staff determined that Combined Development Permit (Planning File No. PLN060378) could not continue to be processed until the recorded parcel map was amended at a public hearing pursuant to County Code; and

WHEREAS, the Regulations for Correction and Amendment of Recorded Final or Parcel Maps, Monterey County Subdivision Ordinance Section 19.08.015.A.7, requires that to modify a recorded final/parcel map, an amending map shall be considered by the appropriate decision making body that approved the recorded map. Therefore, changes to the subject recorded drainage easement boundary requires review and approval at a public hearing by the appropriate decision-making body(s) that approved the original parcel map; and

WHEREAS, an amendment to the Mesa Hills Land Co., Inc. Parcel Map was approved by the Minor Subdivision Resolution No. 08015 on June 12, 2008 which effectively changed the boundary of the drainage easement to accommodate the proposed site improvements for drainage infrastructure; and

WHEREAS, the applicants requested a waiver of fees collected for the processing of the Development Project Application (Planning File No. PLN070643) for a map amendment to the Mesa Hills Land Co., Inc. Parcel Map recorded at Vol. 17, Pg 12 of the Monterey County Recorder's Office Parcel Maps for the abandonment of an existing 145,600 square foot drainage easement boundary and the dedication of a 25,000 square foot drainage easement boundary; and

WHEREAS, County staff has invested time and resources to ensure compliance with applicable County policies, requirements, and standards; and

WHEREAS, the Planning Commission considered the fee waiver request on August 27, 2008 and found that an amendment to the recorded final map was a necessary action pursuant to the Monterey County Subdivision Ordinance; therefore, a refund of fees collected for processing the Development Project Application (Planning File No. PLN070643) which allowed an amendment to the Mesa Hills Land Co., Inc. Parcel Map recorded at Vol. 17, Pg 12 of the Monterey County Recorder's Office Parcel Maps cannot be granted.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION, under its discretionary authority granted under the Fee Waiver Policy adopted by the Monterey County Board of Supervisors on August 29, 2000, hereby denies the waiver of fees (\$5,049.88) for a publicly-noticed hearing on an application for a parcel map amendment (Planning File No. PLN070643), based on the following:

The map amendment is required pursuant to the Regulations for Correction and Amendment of Recorded Final or Parcel Maps as provided at Section 19.08.015.A.7 of the Monterey County Subdivision Ordinance (Title 19).

PASSED AND ADOPTED on this 27th day of August, 2008, upon motion of Planning Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

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