

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> January 14, 2009 Time: 1:30 P.M.		<b>Agenda Item No.:</b> 6
<b>Project Description:</b> <i>A Use Permit for the Planned San Jerardo Water System Improvement Project consisting of: 1) installation of a new water supply well and pumping station on Zabala Road; 2) construction of new water transmission pipeline to connect new well to San Jerardo storage tank; 3) construction of new water storage system at San Jerardo with booster pump and distribution system improvements; and 4) an intertie with the nearby Foothill Estates potable water supply wells for emergency emergency and secondary service to both systems.</i>		
<b>Project Location:</b> 24500 Calle El Rosario; 255 Zabala Road; 235 Zabala Road, Salinas, CA		<b>APN:</b> 149-031-023-000; 107-051-011-000; and 107-031-014-000
<b>Planning File Number:</b> PD080736		<b>Name:</b> Monterey County RMA-PW
<b>Plan Area:</b> Greater Salinas		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : F/40, PG/40(Farmland and Permanent Grazing); and LDR/5 (Low Density Residential)_		
<b>CEQA Action:</b> Mitigated Negative Declaration		
<b>Department:</b> RMA - Planning Department for Monterey County Public Works as Lead Agency		

### RECOMMENDATION:

Staff recommends that the Planning Commission:

- a) Adopt the Mitigated Negative Declaration (**Exhibit E**) with the Mitigation Monitoring and Reporting Program (**Exhibit D**); and
- b) Approve the Use Permit for the San Jerardo Water System Improvement Project based on the Findings and Evidence (**Exhibit C**) and subject to recommended conditions and the adoption of the Mitigation Monitoring and/or Reporting Program (**Exhibit D**).

### PROJECT DESCRIPTION:

The project is proposed to improve water quality for the San Jerardo farm worker housing cooperative, which consists of 67 dwellings and a Head Start facility and supports 250 full-time residents and 80 migrant farm workers' children during the agricultural season. The existing San Jerardo Community water system consists of two wells that have become contaminated with nitrates and toxic compounds (specifically 1,2,3 – Trichloropropane (TCP)) and have shown a steady increase in nitrates. A temporary interim system was installed and is maintained by the Monterey County Public Works Department (MCPWD). For a period, the MCPWD also provided bottled water as an alternate drinking supply. The temporary system functions at a cost to the County of \$15,000 per month.

The existing privately owned water system is under Federal Receivership in *U.S.A. v. Alisal Water Corporation, John W. Richardson, Receiver*. In 2004, a federal court order required the San Jerardo system to be brought into compliance with state drinking water standards to facilitate sale of the system to new owners. In 2006, the federal court approved an order designating Monterey County (specifically, the

Boronda County Sanitation District) as the “buyer” of the water system, pending approval of the California Public Utilities Commission (CPUC).

The planned San Jerardo Water system improvement project will restore groundwater as a potable water source for the residents and bring their system into compliance with state and county regulations. The land use portion of the project consists of: 1) installation of a new water supply well and pumping station on Zabala Road; 2) construction of new water transmission pipeline to connect new well to San Jerardo storage tank; 3) construction of new water storage system at San Jerardo with booster pump and distribution system improvements; and 4) an intertie with the nearby Foothill Estates potable water supply wells for emergency and secondary service to both the San Jerardo and Foothill Estates systems. The existing well may continue to serve as a source of non-potable water for on site use, if the Public Works Department determines the use to be reasonable.

PD080736 includes a Use Permit Application and Mitigated Negative Declaration to facilitate proposed improvements to the primary system for the San Jerardo Community. In addition, a secondary system provides both San Jerardo and Foothill Estates with emergency water, and backup potable water systems.

## **CEQA REQUIREMENTS**

An Initial Study and Mitigated Negative Declaration were prepared by the Monterey County through its Resource Management Agency, Public Works Department as Lead Agency, and submitted for state, Responsible Agency and local agency review. As required by CEQA Sections 15072 and 15015, the project was noticed by publication and provided to residents within 300 feet of the project site. This public notice was initially submitted with a review period from October 10, 2008 to November 10, 2008. Subsequently, a revised Mitigated Negative Declaration was submitted for public review from October 25, 2008 to November 25, 2008 and were provided to the California Clearinghouse, as well as public and commenting agencies. No further changes were made to the review period. The Initial Study identified six mitigation measures, which are addressed in the Mitigation Monitoring Plan (**Exhibit D**). A subsequent Errata to the Initial Study was compiled which addressed several issues raised through the public review process.

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

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December 10, 2008

cc: Front Counter Copy; Planning Commission Members; Public Works; Water Resources Agency; Environmental Health; Parks Department; Housing and Redevelopment; Salinas Rural Fire Protection District; Sheriff's Office; Mike Novo, Director; Jeff Main, Manager; Bob Schubert, Manager; Ron Massolo, Owner; HD Peters c/o of Ron Ludes, Agent; Michael D. Cling, Attorney; City of Salinas;

Project File PLN050545.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Findings and Evidence
	Exhibit D	Conditions of Approval and MMRP
	Exhibit E	Project Application
	Exhibit F	Initial Study and Mitigated Negative Declaration, dated October 10, 2008
	Exhibit G	Errata to Initial Study
	Exhibit H	Letters and response letter to Fish and Game
	Exhibit I	Vicinity Map

This report was reviewed by Taven M. Kinison Brown, Planning Services Manager and Carl Holm, Deputy Director of Planning

<p>Exhibit A</p> <p><b>Project Information for (FilePD080736)</b></p>
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<b>Project Title:</b> San Jerardo Water System Improvement Project	<b>Primary APN:</b> 149-031-023-000	
<b>Location:</b> 24500 Calle El Rosario; 255 & 235 Zabala Road	<b>Coastal Zone:</b> N/A	
<b>Applicable Plan:</b> Greater Salinas	<b>Zoning:</b> F/40, PG/40, LDR/5	
<b>Permit Type:</b> Use Permit	<b>Plan Designation:</b> PD080736	
<b>Environmental Status:</b> MND	<b>Final Action Deadline:</b>	
<b>Advisory Committee:</b>		

**Project Site Data:**

<b>Lot Size:</b> N/A	<b>Coverage Allowed:</b> N/A	
<b>Existing Structures (sf):</b> N/A	<b>Coverage Proposed:</b> N/A	(replacement tank)
<b>Proposed Structures (sf):</b> 1590 sf.	<b>Height Allowed:</b> 35 ft.	
<b>Total Square Feet:</b>	<b>Height Proposed:</b> 25 ft.	
	<b>FAR Allowed:</b> N/A	
	<b>FAR Proposed:</b> N/A	

**Resource Zones and Reports**

<b>Environmentally Sensitive Habitat:</b>	<b>Erosion Hazard Zone:</b>
<b>Botanical Report #:</b> 1/23/2008	<b>Soils/Geo. Report #:</b> May 13, 2008
<b>Forest Mgt. Report #:</b>	<b>Geologic Hazard Zone:</b>
	<b>Geologic Report #:</b> N/A
<b>Archaeological Sensitivity Zone:</b>	<b>Traffic Report #:</b> N/A
<b>Archaeological Report #:</b> 2/1/2008	
<b>Fire Hazard Zone:</b> N/A	

**Other Information:**

<b>Water Source:</b> Well	<b>Sewage Disposal (method):</b> leachfields	
<b>Water District/Company:</b> Boronda	<b>Sewer District Name:</b> N/A	
<b>Fire District:</b> Salinas Rural	<b>Grading (cubic yds):</b>	
<b>Tree Removal (Count/Type):</b> 1 Eucalyptus		

## **EXHIBIT B**

### **Project Discussion**

The proposed San Jerardo Water System Improvement and Well Replacement Project (PD080736) is to improve water quality for the 250 full-time residents of the San Jerardo farm worker housing cooperative and the additional 80 migrant workers' children who attend child care at the cooperatives' center during the agricultural season. The existing wells were found to be contaminated with nitrates and toxic compounds, addition to 1,2,3-Trichloropropane (TCP) in excess of the State Department of Public Health concentration which requires notification. Nitrates were first found to be in violation of standards in 2002, and were also found to be on the increase. The San Jerardo water system was found to be in violation of County standards which require: 1) at least two reliable sources of drinkable water; 2) a minimum of 120,000 gallons of water above domestic storage requirements for firefighting purposes; and 3) a fire flow rate of at least 1,000 gpm for a two hour period.

An interim water filtration system provided by Monterey County Public Works Department (MCPW), installed in October 2006, improved onsite water treatment temporarily, pending long-term solutions to water quality which posed health and safety risks to the San Jerardo community. In addition to a temporary filtration system, the MCPW provides bottled water to ensure a safe drinking water supply to the residents.

The project is comprised of: 1) a new well and pump station at 225 Zabala Road (APN 107-051-011-000); 2) a water transmission pipeline which travels within the public right-of-way along Zabala Road to Old Stage Road and from there along the private Calle De Rosario roadway, to the San Jerardo community; 3) a new water storage tank at San Jerardo community (APN 149-031-023-000); and 4) water distribution infrastructure, including a portable standby generator and emergency connection (intertie) to a secondary water supply, provided by an existing well adjacent to the proposed new well site (APN 107-031-014-000). The interconnection of this system with an adjacent active well, now serving the Foothill Estates, provides the required additional source of potable water. Due to budgetary constraints, portions of the proposed project, including the final closure of the two contaminated wells and removal of the old water tank, are being considered as phases for completion as funding becomes available. Changes to the project which increase the project's size, number of equipment, or service significantly will require submittal of an amendment to the description of the project and will be subject to review; the extent of review and requirement of public hearing would be subject to the Director of Planning's determination.

Upon completion of the project, groundwater will be available once again as a potable source of water for the San Jerardo community, and will meet state and county regulatory standards.

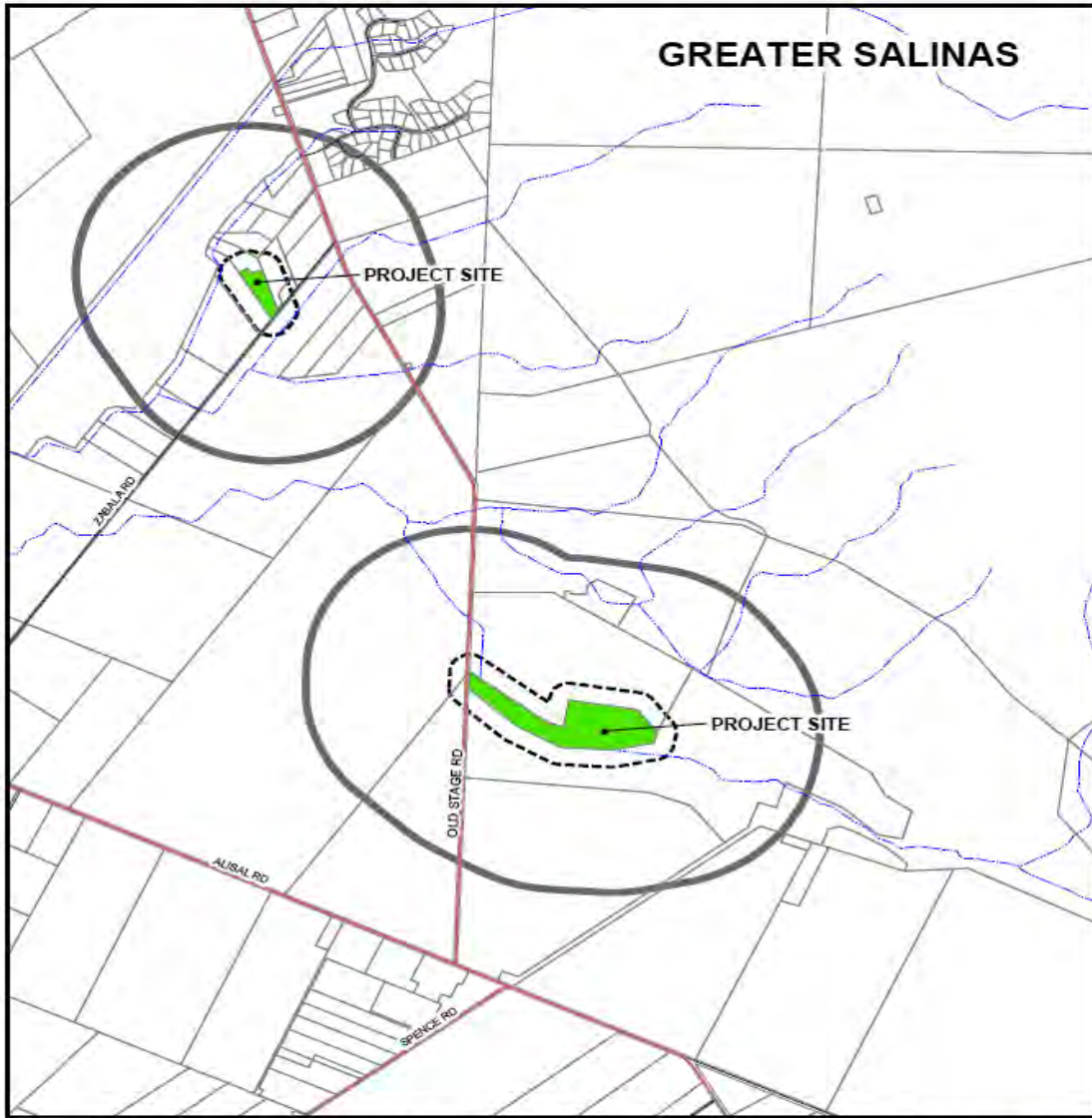
### **CEQA**






Assessment of the project site and associated construction at the site of the new well, along location on Old Stage Road of the water transmission pipeline, and the new water storage tank at San Jerardo community have identified potential biological impact sites

having potential and active habitat of the California Red-Legged Frog, California Tiger Salamander, Burrowing Owl and California Horned Lark. Mitigation measures providing for active relocation in accordance with species protocol have been provided and are included in the Mitigation Monitoring Plan. The Public Works Department, as applicant, is responsible for meeting these requirements, which serve to reduce the potential project impacts to a less than significant level.

The San Jerardo Water System project, in addition to supplying adequate clean water for the community's use, is required to provide adequate water pressure and volume to provide fireflow in accordance with Fire Code requirements. Revision to the Initial Study, providing for a capacity of 1,500 gallons per minute at 20 psi, brings the project into accord with Salinas Rural Fire Department requirements.

The Initial Study and Mitigated Negative Declaration were originally reviewed starting on October 10, 2008. The review period was extended due to the need to provide notice to the adjacent neighbors and was revised again under the authority of the County Council. The final review period ended November 25, 2008. Comments were received from David Hacker, Environmental Scientist, of the California Fish and Game Department in a letter submitted December 11, 2008, a response provided and comments forwarded to the environmental consultant for inclusion in errata notes, as appropriate. **(Exhibit F)** Errata to the Initial Study were submitted in draft form for review and release on December 9, 2008. **(Exhibit G)**



<b>APPLICANT: SAN JERARDO COOPERATIVE INC</b>		 0 2,000 Feet	
<b>APN: 149-031-023-000 &amp; 107-051-011-000</b>	<b>FILE # PD080736</b>		
 300' Limit	 2500' Limit	 City Limits	

**EXHIBIT C**  
**RECOMMENDED FINDINGS AND EVIDENCE**

1. **FINDING: CONSISTENCY** – The subject proposed water well, pipeline and storage tank installation for the San Jerardo Community as described in Condition No. 1 of Exhibit A and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for commercial 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) County Planning staff conducted a site inspection in October 2008. The Monterey County Public Works Department and their consultants have conducted site visits starting in 1998, with the survey of important Farmland in accordance with the California Department of Conservation’s Farmland Mapping and Monitoring Program, and subsequent visits as required.
- (c) The well site (APN107-051-011-000, located at 255 Zabala Road) and the proposed intertie connection (APN 107-031-014-000 at 253 Zabala Road) are zoned LDR/5 (Low Density Residential, 5 acre minimum lot size). The location of the replacement, 285,000-gallon water storage tank at the San Jerardo Housing Cooperative (APN149-031-023-000 at 45600 Calle El Rosario) is zoned F/40. The proposed project is a replacement of existing contaminated wells and the onsite storage tank with a new, clean well, a pipeline connecting the San Jerardo Housing Cooperative and the Foothills Estates water systems, for emergency water service, and the new water tank, as noted above, at the San Jerardo Housing site. The project replaces an inadequate and unhealthy water service, now being supplemented with temporary water treatment facilities and imported water, with a fully compliant water source and system.
- (d) The subject property consists of three legal lots of record and a pipeline system use of the existing public right of way along Zabala Road and Old Stage Road.
- (e) 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 PD080736.



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, Fire Protection District, Parks Department, Public Works, Environmental Health Division, Water Resources Agency and Redevelopment and Housing Office (RHO). 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) As reviewed in detail in the Initial Study and proposed Mitigated Negative Declaration, the project is a replacement of required water services. The project as proposed is considered to have no impacts or less than significant impacts to Aesthetics, Agricultural Resources, Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, and Transportation and Traffic, while resulting in an improvement to Utilities and Service Systems. The potential impacts to Biological Resources site are addressed by Mitigation Measures 1 through 5 and any Hydrology or Water Quality issues associated with siltation or erosion, related to project grading, are addressed by Mitigation Measure 6. These mitigation measures are proposed to mitigate to identified impacts to less than significant levels. , potential impacts to Aesthetics, Hydrology and Water Quality, Land Use and Planning, Noise, and Transportation/Traffic. Evidence supports the conclusion that impacts would be less than significant with mitigation incorporated for these resource subjects.

(c) Technical reports by outside (specify) consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- i. Preliminary Archeological Reconnaissance for the San Jerardo Water System Project in Salinas, Monterey County, California, prepared by Archeological Consulting, dated February 1, 2008.
- ii. San Jerardo Co-op Well Replacement and Storage Project, Monterey County, Biological Assessment, prepared by Biotic Resources Group, dated January 23, 2008.
- iii. Farmland Mapping and Monitoring Program, prepared by Jan R. Sweigert, PE., Monterey District, for the California Department of Conservation, dated July 19, 2004.
- iv. Summary Report Drilling, Well Construction and Aquifer Testing, Monterey County Resource Management Agency, San Jerardo Well, Salinas, California, prepared by Geoconsultants, Inc., dated May 13, 2008.

- v. Final Report – Hydrostratigraphic analysis of the Northern Salinas Valley, prepared by Kennedy/Jenks Consultants for Monterey County Water Resources Agency, dated May 14, 2004.
  - vi. Final Draft – Municipal Services Review for the Greater Salinas Area, prepared by LAFCO of Monterey County, dated June 2006.
  - vii. Sphere of Influence Policies and Criteria, dated October 23, 2006, Standards for the Evaluation of Proposals, undated, and Agricultural Lands Preservation Policy, all prepared by the Local Agency Formation Commission (LAFCO) of Monterey County.
- (d) As described in the Evidence for Finding #1, the proposed San Jerardo Water System Improvement and Well Replacement project is consistent with the rules and regulations pertaining to zoning uses and other applicable provisions of Title 21, and is therefore suitable for the proposed development sites.
  - (e) County Planning staff conducted a site inspection in October 2008. The environmental consultants also conducted site inspections associated with the development of the above documents to verify that the project on the subject parcel conforms to the plans listed above.
  - (f) 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 PD080736.

3. **FINDING:** **CEQA** – On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The project is The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

**EVIDENCE:** (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).

(b) Potentially adverse environmental effects were identified during staff review of the development application.

(c) Monterey County Public Works Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the RMA – Planning Department and is hereby incorporated by reference (File No. PD080736).

(d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study, as revised by Errata sheets incorporated herewith, identified potentially significant effects relative to Biological Resources and Hydrology

and Water Quality. Substantial evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for these issues.

- (d) The Mitigated Negative Declaration was circulated for public review from October 10, 2008 and was subsequently re-noticed for review, to include those persons living within a 300 foot radius of the project site, from October 25, 2008 – November 25, 2008.
- (e) The Monterey County Resource Management Agency – Planning Department, (located at 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, CA, 93901) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
- (f) A Condition Compliance and Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is designed to ensure compliance with conditions and that mitigation measures are monitored and reported during project implementation. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and Reporting Program” as a condition of project approval (Condition # 8).
- (g) For purposes of implementing Section 753.5 of Title 14, California Code of Regulations, the project may cause changes to the resources listed under Section 753.5. Therefore, payment of the Fish and Game fee is required.
- (h) Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PD080736.
- (i) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:
  - Biological Resources. Five mitigation measures for Biological Resources are in the proposed Mitigated Negative Declaration. Primarily, these mitigation measures require the applicant to survey the sites prior to construction, educate construction workers in “Worker Training” measures, to ensure their recognition and appropriate approach to construction when identifying habitats in which identified sensitive species might be located, and identification of periods when construction is required to cease to protect mating, nesting, or fledging species from disturbance by site preparation of construction activities. (Conditions 7-11/Mitigation Measures 1,2,3,4, and 5).
  - Hydrology and Water Quality. All site preparation and construction activities associated with the development of the San Jerardo Community Water System Improvements are required to control erosion measures. (Condition 12/Mitigation Measures 6).

(j) Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects. (Findings 1-3 above)

4. **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.

5. **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.

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

**EVIDENCE:** Section 21.80.040D of Title 20, Monterey County Zoning Ordinance.

**EXHIBIT D**

<p><b>Department:</b> Resource Management Agency</p> <p><b>Condition Compliance &amp; Mitigation Monitoring and/or Reporting Plan</b></p>	<p><b>Project Name:</b> San Jerardo Water System Improvement &amp; Well Replacement Project</p> <p><b>File No:</b> PD080736</p> <p><b>APNs:</b> 149-031-023-000; 107-051-011-000; 107-031-014-000</p> <p><b>Approval by:</b> _____ <b>Date:</b> _____</p>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

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><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This permit (PD080736) allows the installation of a replacement well, pipeline and storage tank . The property is located at 24500 Calle El Rosario; 255 Zabala Road; and 235 Zabala Road, as well as through public rights of way on Zabala and Old Stage Road (Assessor’s Parcel Numbers 149-031-023-000; 107-051-011-000; and 107-031-014-000), Greater Salinas Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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 compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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. <b>(RMA - Planning Department)</b>				
2. (PRIOR #4)		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 149-031-023-000; 107-051-011-000; and 107-031-014-000 on <b>January 14, 2009</b> . The permit was granted subject to _____ conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the commencement of use.	
3. (PRIOR #5)		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/Applicant/Archaeologist	Ongoing	

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)
4. (Prior #6)		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></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 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.</p>	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the use of the property, as applicable	

<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>
		<b>PD004 - INDEMNIFICATION AGREEMENT (Cont'd)</b> 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. <b>(RMA - Planning Department)</b>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the use of the property, as applicable	
5. (PRIOR #7)		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b>	The applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the start of use	
6. (PRIOR #8)		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b>	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval.	



<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>
7. (PRIOR #9)		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
8.		<b>PD008 - GEOLOGIC CERTIFICATION</b> Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. <b>(RMA - Planning Department)</b>	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/Applicant/Geotechnical Consultant	Prior to final inspection	
9. (PRIOR #10)		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA – Planning Department and Building Services Department)</b>	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/Applicant/Geotechnical Consultant	Prior to final inspection	
10. (PRIOR # 11)		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/Applicant	Prior to the start of use.	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/Applicant	Ongoing	

<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>
		measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. <b>(RMA - Planning Department and RMA - Building Services Department)</b>	Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/Applicant	Prior to final inspection	
11.		<b>PD038 - WATER TANK APPROVAL</b> The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b>	Submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the final inspection.	
			Provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.	Owner/Applicant	Prior to the final inspection.	
			All landscaped areas and fences shall be continuously maintained; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	On-going	
12.		<b>PD041 – HEIGHT VERIFICATION</b> The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated	The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/Applicant	Prior to the final inspection.	

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)
		with this project. (RMA – Planning Department and Building Services Department)				
13. (Prior #13)		<p><b><u>PDSP03 - NOTE ON MAP –STUDIES (NON-STANDARD)</u></b>  <u>A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "Several Reports have been prepared for the development on this property and are on file in the Monterey County RMA - Planning Department. These reports are as follows:</u></p> <ul style="list-style-type: none"> <li>i. Preliminary Archeological Reconnaissance for the San Jerardo Water System Project in Salinas, Monterey County, California, prepared by Archeological Consulting, dated February 1, 2008.</li> <li>ii. San Jerardo Co-op Well Replacement and Storage Project, Monterey County, Biological Assessment, prepared by Biotic Resources Group, dated January 23, 2008.</li> <li>iii. Farmland Mapping and Monitoring Program, prepared by Jan R. Sweigert, PE., Monterey District, for the California Department of Conservation, dated July 19, 2004.</li> <li>iv. Summary Report Drilling, Well Construction and Aquifer Testing, Monterey County Resource Management Agency, San Jerardo Well, Salinas, California, prepared by Geoconsultants, Inc., dated May 13, 2008.</li> <li>v. Final Report – Hydrostratigraphic analysis of the Northern Salinas Valley, prepared by Kennedy/Jenks Consultants for Monterey County Water Resources Agency, dated May 14, 2004.</li> </ul>	Notes shall be placed on the final map or a separate sheet to be recorded and submitted to the RMA - Planning Department and Public Works for review and approval.	Owner/Applicant	Prior to start of operations	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>vi. Final Draft – Municipal Services Review for the Greater Salinas Area, prepared by LAFCO of Monterey County, dated June 2006.</p> <p>vii. Sphere of Influence Policies and Criteria, dated October 23, 2006, Standards for the Evaluation of Proposals, undated, and Agricultural Lands Preservation Policy, all prepared by the Local Agency Formation Commission (LAFCO) of Monterey County.</p> <p>The recommendations contained in these reports 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. <b>(RMA – Planning Department)</b></p>				
14.		<p><b>PD047– DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)</b></p> <p>In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:</p> <ol style="list-style-type: none"> <li>1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;</li> <li>2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;</li> <li>3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.</li> </ol> <p>All Air District standards shall be enforced by the Air District.<b>(RMA – Planning Dept.)</b></p>	<p>Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.</p>	<p>Contractor/Owner/ Applicant</p>	<p>Prior to the issuance of a demolition permit</p>	
		<p>Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.</p>	<p>Contractor/Owner/ Applicant/Air District</p>	<p>During demolition</p>		

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<b>SALINAS RURAL FIRE DEPARTMENT CONDITIONS</b>						
15. (PRIOR #2)		<b>F030 - SIGNING OF WATER SOURCES (BLUE HYDRANT MARKERS)</b> Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. ( <b>Salinas Rural Fire Department</b> )	The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA-Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant/ Engineer	Prior to the final inspection	

<b>WATER RESOURCES AGENCY</b>
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16. Prior # 17.		<b>WR47 - WASTE MANAGEMENT PLAN</b> The applicant shall provide the Water Resources Agency a Construction Site Waste Management Plan prepared by a registered civil engineer that addresses the proper disposal of building materials and other construction site wastes including, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary wastes. The Site Waste Management Plan must also address spill prevention, control and clean up of materials such as petroleum products, fertilizers, solvents, pesticides, paints and cleaners. ( <b>Water Resources Agency</b> )	Submit the plan to the Water Resources Agency for review and approval.	Owner/Applicant	Prior to operation.	
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<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>
17. Prior # 20.		<b>WRSP01 - LANDSCAPING REQUIREMENTS - NON-STANDARD</b> A notice shall be recorded on the deed for each lot stating: "All proposed landscaping shall be completed at the time of building construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. <b>(Water Resources Agency)</b>	Submit a recorded notice to the Water Resources Agency for review and approval.  (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/Applicant	Recordation of the notice shall occur prior to operation.	
18. Prior # 21.		<b>WRSP03 - COMPLETION CERTIFICATION - NON-STANDARD</b> The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that the drainage improvements have been constructed in accordance with approved plans. <b>(Water Resources Agency)</b>	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant	Prior to operation	
<b>ENVIRONMENTAL HEALTH</b>						
19. Prior 30.		<b>EH1 - WATER SYSTEM PERMIT</b> Obtain a new or amended water system permit from the Division of Environmental Health. <b>(Environmental Health)</b>	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to operation	

<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>
20. Prior # 31.		<b>EH2 - WATER SYSTEM IMPROVEMENTS (CO. PERMITTED SYSTEM)</b> Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. <b>(Environmental Health)</b>	Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to EH for review and approval prior to installing (or bonding) the improvements.	CA Licensed Engineer /Owner/ Applicant	Prior to operation	
21. Prior # 3		<b>EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS</b> The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. <b>(Environmental Health)</b>	The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.	CA Licensed Engineer /Owner/ Applicant	Prior to operation	
22. Prior # 33.		<b>EH7 - ABANDONED WELLS</b> Destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. <b>(Environmental Health)</b>	Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a CA licensed well contractor from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health	CA Licensed Engineer /Owner/ Applicant	Prior to operation	

<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>
23. Prior #34.		<b>EH28 - HAZ MAT BUSINESS RESPONSE PLAN</b> Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/Applicant	Within 30 days of bringing hazardous materials onsite/ Continuous	

## MITIGATION MEASURES

### PUBLIC WORKS MITIGATION MEASURES

Prior # 22.	PW SP01	<b>PRE-CONSTRUCTION SITE SURVEY-CALIFORNIA TIGER SALAMANDER</b> Require that a pre-construction site survey be conducted, by a qualified biologist, of each project site and water pipeline corridor to search for potential upland refugia suitable for the California tiger salamander as well as seasonal water features and ponds adjacent to the roadway. It is preferable that the construction zone be surveyed and marked prior to this survey. If any suitable upland burrows are observed by the biologist or encountered during construction, the construction crew shall hand-excavate them under direct supervision of the biologist to search for tiger salamanders. If any tiger salamanders are observed, construction in	Measure shall be included as Condition of Project Approval. Implementation actions are specified in measure.	County Public Works staff is responsible for having preconstruction surveys conducted by a qualified biologist. Surveys shall be submitted to the Monterey County Planning Department for review and approval prior to construction. County Resource Management staff responsible for consulting with USFWS if any tiger salamanders are observed.	Prior to commencement of construction. Surveys shall be prepared prior to any ground disturbance.	
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		that area shall cease until the County consults with the U.S. Fish and Wildlife Service and receives advice on how to proceed. <b>(Public Works)</b>				
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(Prior #23.)	PW SP0 2	<p><b>HABITAT PROTECTION MEASURES -</b></p> <p>Prior to or as part of construction, implement the following measures:</p> <ul style="list-style-type: none"> <li>• Demarcate the limits of the work area with construction fencing or flagging (e.g., orange mesh) prior to onset of construction activity. This includes fencing adjacent to existing drainages and wetland areas. This would minimize the temporary loss of cover, foraging and dispersal habitat.</li> <li>• Limit vegetation removal to the area necessary for construction.</li> <li>• Use existing roads, shoulders and/or offsite areas for staging areas for all heavy equipment, storage of materials, and any maintenance/fueling of heavy equipment and prohibit equipment within drainages and mapped wetland areas. This will minimize impacts to upland habitats outside the project work areas.</li> <li>• Have a qualified biologist present a “Worker Training” session the first day prior to onset of construction activities to educate the workers of the protected status of species that may be encountered. This is usually conducted during a short 30-minute session immediately prior to commencement of work. The worker training should include a presentation by the project foreman to explain procedures to be taken in the event of a fuel spill, to prevent contamination of habitats.</li> <li>• After the Worker Training session, the qualified biologist shall coordinate with one of the construction staff appointed as the on-site biological monitor. The biological monitor shall receive additional training from</li> </ul>	Measure shall be included as Condition of Project Approval and included in Construction Specifications. Implementation actions are specified in measure.	<ul style="list-style-type: none"> <li>• County Public Works staff is responsible for reviewing Construction Specifications to ensure that measure has been included.</li> <li>• County Resource Management Agency staff responsible for hiring qualified biologist to conduct worker training and provide onsite monitoring as specified in measure.</li> <li>• County Public Works staff is responsible for site inspection to ensure that onsite fencing and other requirements are in place.</li> </ul>	Prior to commencement of construction.	
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	<p>the qualified biologist on identification of species, be responsible for implementing daily measures to avoid harm or injury to individuals of the species, and be responsible for notifying the qualified biologist if any protected species are observed in the work area and need to be relocated.</p> <ul style="list-style-type: none"> <li>• Daily avoidance measures shall include checking under the tires of heavy equipment before it is moved each morning, and searching the project construction area each morning prior to entry of equipment for frogs or salamanders, particularly if work occurs during the rainy season when water may form small pools.</li> </ul> <p>Have a qualified biologist present at the site during vegetation removal and stripping for the water tank and new well sites, and trenching for the pipeline in unpaved areas to maximize potential detection and preservation of individual frogs and salamanders that may be present. The qualified biologist shall be authorized to capture and relocate any salamanders or frogs uncovered during the vegetation removal or grading to a safe location outside the project area, as approved by the USFWS. The qualified biologist shall minimize handling of any individuals, place them in a 5-gallon bucket or other protective container for transport to a suitable relocation site, and implement all sterilization practices recommended to avoid introduction of pathogens to amphibians during handling and transport. ( <b>Public Works</b>)</p>				
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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)
(Prior # 24.)	PW SP03	<p><b>BURROWING OWLS PROTOCOLS</b> – A survey by a qualified biologist shall be conducted prior to construction at any project sites to identify burrows in grassland areas on or adjacent to the site that may be used by burrowing owls. If owls are found, mitigation protocols of the CDFG shall be followed to prevent potential impacts. <b>(Public Works)</b></p>	<p>Measure shall be included as Condition of Project Approval. Under existing protocols, a standard pre-construction survey for California burrowing owls would be conducted prior to ground disturbance and/or construction activities, conducted no more than 30 days prior to the beginning of ground disturbance and/or construction activities, regardless of the time of year. The survey shall be conducted by a qualified ornithologist according to CDFG guidelines. If no burrowing owls are found within the project impact area or within an additional 75-meter (246-foot) radius (the radius that is required by CDFG to protect nests from new human disturbance), then no further action is warranted. If breeding owls are located on, or immediately adjacent to, the site, a construction-free buffer zone around the active nest burrow should be established for the duration of the nesting season. A qualified ornithologist, in consultation with CDFG, should determine the exact area of a construction-free buffer zone and the pair-specific nesting period.</p> <p>If burrowing owls occupy the site prior to construction, they should be evicted from occupied burrows during the non-breeding season (1 September to 31 January) in consultation with the CDFG. One-way doors should be</p>	<p>County Public Works staff is responsible for having pre-construction surveys conducted by a qualified biologist. Surveys shall be submitted to the Monterey County Planning Department for review and approval prior to construction. County Resource Management staff responsible for consulting with CDFG if any burrowing owls are observed.</p>	<p>Prior to issuance of commencement of construction. Surveys shall be prepared prior to any ground disturbance.</p>	

			<p>installed by a qualified wildlife biologist over all burrows on the project site and remain in place for a minimum of three days immediately prior to grading. Burrows should be back-filled to prevent subsequent occupation of burrows during construction.</p> <p>If burrowing owls occupy the site prior to construction, additional avoidance and minimization measures will be developed in consultation with CDFG and implemented.</p>			
(Prior # 25.)	PW SP04	<p><b>NESTING PROTECTION MEASURE – CALIFORNIA HORNED LARK-</b></p> <p>A survey by a qualified biologist shall be conducted if construction is scheduled between April and June to determine whether the California horned lark is nesting on or adjacent to the project sites. If nests are observed, construction shall be postponed until the young have fledged the nest or an appropriate buffer is established by a qualified biologist based on site conditions and resource agency requirements. (<b>Public Works</b>)</p>	<p>Measure shall be included as Condition of Project Approval. Implementation actions are specified in measure.</p>	<p>County Public Works staff is responsible for having pre-construction surveys conducted by a qualified biologist. Surveys shall be submitted to the Monterey County Planning Department for review and approval prior to construction.</p>	<p>Prior to issuance of commencement of construction.</p> <p>Surveys shall be prepared prior to any ground disturbance</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verificati on of Complian ce (name/da te)
(Prior # 26.)	PW SP05	<p><b>NESTING PROTECTION MEASURE</b> - Schedule construction to avoid the nesting season to the extent feasible, which is typically from January through August. If construction cannot be scheduled between August and January, conduct pre-construction surveys for nesting birds by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey should be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist should inspect all trees and other potential habitats (e.g., grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, tree removal and construction shall be postponed until the young have fledged the nest or an appropriate construction buffer is established by a qualified biologist based on site conditions and resource agency requirements. ( <b>Public Works</b>)</p>	Measure shall be included as Condition of Project Approval. Implementation actions are specified in measure.	County Public Works staff is responsible for having pre-construction surveys conducted by a qualified biologist. Surveys shall be submitted to the Monterey County Planning Department for review and approval prior to construction.	Prior to issuance of commencement of construction. Surveys shall be prepared prior to any ground disturbance .	

<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>
(Prior # 27.)	PW SP05	<b>EROSION CONTROL MEASURES</b> Incorporate the following erosion control measures into project grading and erosion control plans: <ul style="list-style-type: none"> <li>• Install temporary silt fencing adjacent to ponds, seasonal wetlands and drainages along Old Stage Road during construction activities to prevent inadvertent erosion and sedimentation onto offsite areas, and prohibit construction activities, placement of spoils, and storage of materials and machinery in the setback.</li> <li>• Prohibit grading between November 1 and April 1, and protect disturbed areas during these times with appropriate erosion control measures.</li> <li>• Immediately revegetate disturbed areas with appropriate native plant species that are compatible with surrounding vegetation. ( <b>Public Works</b> )</li> </ul>	Measure shall be included as Condition of Project Approval and included in Grading and Erosion Control Plans. Implementation actions are specified in measure.	County Public Works staff is responsible for reviewing construction, grading and erosion control plans to ensure that measure is included. County Public Works staff is responsible for site inspection to ensure that onsite requirements are in place.	Prior to issuance of commencement of construction. Surveys shall be prepared prior to any ground disturbance.	
(Prior # 28.)	PW SP003	<b>ENCROACHMENT (CURB, ETC)</b> Obtain an encroachment permit from the Department of Public Works and construct curb, gutter, sidewalk and pave-out along the frontages of Boronda Road and Madison Lane. ( <b>Public Works</b> )	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permit Issuance	
(Prior # 29.)	PW SP 012	<b>PLAN SUBMITTAL (SEWER)</b> Submit plans to the Department of Public Works for approval and construct all necessary sewer improvements. ( <b>Public Works</b> )	Applicant shall submit improvement plan to Department of Public Works for approval. Sewer improvements to be constructed in compliance with approved plans.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	

<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>
(Prior #12)	HWQ SP6	<p><b>HYDROLOGY AND WATER QUALITY</b></p> <p>Incorporate the following erosion control measures into project grading and erosion control plans:</p> <ul style="list-style-type: none"> <li>• Install temporary silt fencing adjacent to ponds, seasonal wetlands and drainages along Old Stage Road during construction activities to prevent inadvertent erosion and sedimentation onto offsite areas, and prohibit construction activities, placement of spoils, and storage of materials and machinery in the setback.</li> <li>• Prohibit grading between November 1 and April 1, and protect disturbed areas during these times with appropriate erosion control measures.</li> <li>• Immediately re-vegetate disturbed areas with appropriate native plant species that are compatible with surrounding vegetation. (Monterey County Public Works Dept.)</li> </ul>	Measure shall be included as a Condition of Project Approval and included in Grading and Erosion Control Plans. County Public Works staff is responsible for reviewing construction, grading and erosion control plans to ensure that measure is included.	Monterey County Public Works Department.	Prior to permit issuance or commencement of construction.	
<b>ENVIRONMENTAL HEALTH</b>						
Prior # 35.	EH SP 01	<p><b>ABANDONED STORAGE TANKS</b></p> <p>The applicant shall protect the unused/abandoned storage tanks in a permanent manner to ensure tanks are not opened, entered or used by unauthorized persons. (Environmental Health)</p>	Contact the Division of Environmental Health.	Owner/ Applicant	Ongoing	

1-14-2009



# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

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### PLANNING DEPARTMENT

**Michael Novo**  
Planning Department Director

### **STAFF REPORT** **ERRATA - 01-11-09** **FOR**

**Project Title:** San Jerardo Water System Improvement & Well Replacement Project

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**File No.:** PD080736

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**Project Location:** Southeast of the City of Salinas, east of Highway 101 in unincorporated Monterey County

The following shows corrections and minor revisions to the text in the Staff Report and Mitigated Monitoring Plan for the above project.

Page 5                      Add the following discussion at the end of Evidence (Sheet B), as follows:

In order to achieve compliance with safety requirements, the project is subject to several mitigation measures associated with permitting with the Environmental Health Division, bonding, well and storage tank closure.

Page 9                      Include the following Evidence section under Finding 3, Item (i):

- Environmental Health: Six mitigation measures including water system permits, and improvements, installation of bond systems, destruction of abandoned wells, hazardous materials response plans, and removal of abandoned tanks are required. (Conditions 30-35).

### **CEQA**

Revision to the CEQA section of the Recommendation and Project Description: Sentence should be revised to read:



The review period was extended due to the need to provide notice to the adjacent neighbors and was revised again under the authority of the County Council, in order to correct the project description and to provide notice to neighbors and interested parties by the Office of the County Counsel.

## EXHIBIT B – CEQA SECTION

The following additions have been made to the CEQA section of Exhibit B as well, following the language below:

The Initial Study and Mitigated Negative Declaration were originally reviewed starting on October 10, 2008. The review period was extended due to the need to provide notice to the adjacent neighbors and was revised again under the authority of the County Council. The final review period ended November 25, 2008. Comments were received from David Hacker, Environmental Scientist, of the California Fish and Game Department in a letter submitted December 11, 2008, a response provided and comments forwarded to the environmental consultant for inclusion in errata notes, as appropriate. **(Exhibit F)**

After the review period, changes were made to the Mitigated Negative Declaration in response to comments by agencies and staff. In addition, corrections to the findings and staff report, shown within the errata pages, are not substantial revisions, in accordance with the requirements of CEQA Section 15073.5(b), which states:

“A “substantial revision” to the negative declaration shall mean:”

- (1) “A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance....”

*Changes between the Notice of Intent to File a Mitigated Negative Declaration and the submittal of the project staff report include removal of the contaminated well and existing tanks and additional water pressure provided by on-site generators. Removal of the well and tanks will not increase or diminish the goal of the San Jerardo Water System Improvement Project to provide clean water to the site. Increased water pressure by using generators for fire fighting will not increase the site’s use. Therefore, the mitigation measures serve to replace previous services at current requirements, and do not expand site capacity.*

- (2) “The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. “

Changes to mitigation measures are in support of the basic project as originally described. Any changes clarify the existing provisions. Any issues which were described but not fully addressed in accordance with current regulatory requirements, including health and safety and compliance with measures required to preserve threatened species, are now addressed by mitigation measures and less-than-significant project changes.

Errata to the Initial Study were submitted in draft form for review and release on December 9, 2008. **(Exhibit G)**

## **EXHIBIT C :**

**Finding 1: CONSISTENCY** – revise to read: ...and the Monterey County Zoning Ordinance (Title 21), which ~~designates this area as appropriate for commercial development~~ designates this area sufficient for residential uses, subject to installation of the Planned San Jerardo Water System Improvement Project.

The following sentence within Findings and Evidence, 2(b) should be removed:

~~These mitigation measures are proposed to mitigate to identified impacts to less than significant levels. , potential impacts to Aesthetics, Hydrology and Water Quality, Land Use and Planning, Noise, and Transportation/Traffic.~~

**Finding 3: CEQA** – revise to read: ...the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. ~~The project is~~—The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

Section (i) should be revised to read:

(i) To mitigate the physical impacts of the project, the following is a summary of the Biological mitigation measures proposed:

- Biological Resources. Four mitigation measures for Biological Resources are in the proposed Mitigated Negative Declaration. Primarily, these mitigation measures a pre-construction survey for California Tiger Salamanders, habitat protection measures, protocols to locate and remove Burrowing Owls and Nesting California Horned Lark site preservation, as well as general nesting protocols (Conditions PWSP02,-03,-04 and -05).

Remove the following from Exhibit C:

~~4. **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.~~

Page 16      Include the following Mitigation Monitoring Measures at the end of the MMP section (Exhibit D):

*(NOTE - ALL MITIGATION MEASURE REVISIONS ARE IN MMP\_PD080736\_San Jerardo.doc)*

<b>Division of Environmental Health</b> <b>Condition Compliance &amp; Mitigation Monitoring</b> <b>and/or Reporting Plan</b>	<i>San Jerardo Water System Improvement &amp; Well Replacement Project</i> <i>File No: PD080736</i> <i>Approval by: _____</i>	<i>APNs: 149-031-023-000; 107-051-011-000; 107-031-014-000</i> <i>Date: _____</i>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>MONTEREY COUNTY ENVIRONMENTAL HEALTH</b>						
30.		<b>EH1 - WATER SYSTEM PERMIT</b> Obtain a new or amended water system permit from the Division of Environmental Health. ( <b>Environmental Health</b> )	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to operation	

<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>
31.		<p><b>EH2 - WATER SYSTEM IMPROVEMENTS (CO. PERMITTED SYSTEM)</b></p> <p>Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. <b>(Environmental Health)</b></p>	Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to EH for review and approval prior to installing (or bonding) the improvements.	CA Licensed Engineer /Owner/ Applicant	Prior to operation	
32.		<p><b>EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS</b></p> <p>The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. <b>(Environmental Health)</b></p>	The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.	CA Licensed Engineer /Owner/ Applicant	Prior to operation	
33.		<p><b>EH7 - ABANDONED WELLS</b></p> <p>Destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. <b>(Environmental Health)</b></p>	Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a CA licensed well contractor from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health	CA Licensed Engineer /Owner/ Applicant	Prior to operation	

<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>
34.		<p><b><i>EH28 - HAZ MAT BUSINESS RESPONSE PLAN</i></b></p> <p>Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. <b>(Environmental Health)</b></p>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Within 30 days of bringing hazardous materials onsite/ Continuous	
35.		<p><b><i>ABANDONED STORAGE TANKS</i></b></p> <p>The applicant shall seal those storage tanks in a permanent manner to ensure tanks are not opened, entered or used by unauthorized persons. The tanks shall not be considered abandoned if satisfactory evidence is provided that the tanks are functional, are used on a regular basis, and do not act as a conduit for the contamination of ground water. <b>(Environmental Health)</b></p>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Ongoing	