

MONTEREY COUNTY PLANNING COMMISSION

Meeting: March 11, 2009 Time: 9:30 AM	Agenda Item No.: 3
<p>Project Description: Public hearing to consider resolutions recommending that the Board of Supervisors:</p> <p>1) Certify the EIR, approve a mitigation monitoring and reporting plan, and adopt statement of overriding considerations.</p> <p>2) Approve a Lot Line Adjustment of 3.47 acres between two parcels reducing APN167-061-032-000 (Riehl) from 52.0 acres to 48.53 acres and increasing APN167-061-033-000 (Mohsin) from 245.51 acres to 249.0 acres.</p> <p>3) Approve amendments to the General Plan and Toro Area Plan: a) Amend land use map for 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to a Special Treatment Area (STA) Overlay; and b) Amend land use map for 266-acres (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum (PG/40) to STA Overlay; and c) Adopt Toro Area Plan policy 30.1.1.2(T), establishing language for a STA overlay that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with agricultural buffers and the upper 249 acres would remain Permanent Grazing.</p> <p>4) Approve a Zone Change: a) change the zoning designation of 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and b) change the zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.</p> <p>5) Approve, subject to conditions, a Combined Development Permit consisting of: a) 14-lot residential subdivision, and b) Administrative Permit for a small water system.</p>	
Project Location: 874, 884 & 870 River Road	APN: 167-061-029-000, 167-061-032-000 & 167-061-033-000
Planning File Number: PLN980516	Name: Mused and Terry Mohsin, Joseph and Sandra Samoske and Robert and Nancy Riehl
Plan Area: Toro Area Plan	Flagged and staked: No
Zoning Designation: : F/40-D [Farmlands/40 acre minimum-Design Control] and PG/40-D [Permanent Grazing/40 acre minimum-Design Control]	
CEQA Action: Environmental Impact Report prepared (EIR #06-01, SCH#: 2006051020), consisting of a draft EIR (DEIR), re-circulated draft EIR (RDEIR), and final EIR (FEIR)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt draft resolutions recommending that the Board of Supervisors:

- 1) Certify the project EIR (#06-01), approve a mitigation monitoring and reporting plan, and adopt statement of overriding considerations. **(Exhibit B)**
- 2) Approve a Lot Line Adjustment of 3.47 acres between APN: 167-061-032-000/Riehl and APN: 167-061-033-000/Mohsin. **(Exhibit C)**
- 3) Amend the General Plan/Toro Area Plan as follows **(Exhibit D)**:
 - Change land use map for APN: 167-061-029-000/Samoske: 17 acres from Farmland/40 acre minimum (F/40) to a Special Treatment Area (STA) Overlay.
 - Change land use map for APN 167-061-033-000/Mohsin: 249 acres from Permanent Grazing/40 acre minimum (PG/40) to a STA Overlay.
 - Adopt Toro Area Plan policy 30.1.1.2(T), establishing language for a STA overlay that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with agricultural buffers and the upper 249 acres would remain Permanent Grazing.

- 4) Approve Zone Changes amending the underlying zoning designation as follows (**Exhibit E**):
 - APN: 167-061-029-000/Samoske: change 17-acres from F/40-D to LDR/5-VS
 - APN 167-061-033-000/Mohsin: change 55 acres of a 249-acre parcel from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.
- 5) Based on the findings and evidence and subject to the conditions of approval, approve a Combined Development Permit (PLN980516) for: a) Standard Subdivision to subdivide one 17-acre parcel (APN 167-061-029-000/Samoske into three parcels consisting of 7.0 acres (Parcel A), 5.0 acres (Parcel B) and 5 acres (Parcel C) and subdivide one 249.0 acre parcel (APN 167-061-033-000/Mohsin) into 11, 5-acre parcels (LDR/5) plus one remainder parcel totaling 194 acres (PG/40). b) Administrative Permit pursuant to Section 21.14.040.G to allow a small water system with 14 connections. (**Exhibit F**)

PROJECT OVERVIEW:

On January 26, 2009, the Planning Commission held a hearing on the EIR and proposed project. Based on the testimony and a revised buffer plan introduced by the applicant, the Commission referred the matter back to the Agricultural Advisory Committee (AAC). The Commission stated intent to approve the project subject to the AAC acceptance of the revised buffers that generally provides 200 feet from the Pedrazzi property on the north, 75 feet from the Pizoni property property on the north, 50 feet from the Jardini property on the south and 200 feet from River Road.

Following the Commission hearing, a neighbor met with the Agricultural Commissioners office and expressed issues concerning conflicts in the agricultural viability report. In response, the Deputy Agricultural Commissioner conducted an independent review of the agricultural viability for the subject parcels. These finding are summarized in a memorandum dated February 12, 2009 (**Exhibit H**).

The revised buffer plan and agricultural viability assessment memorandum were presented to the AAC on February 26, 2009. The AAC voted 5-3 to recommend approval of the revised buffer plan and voted 8-0 to reaffirm their action regarding the agricultural viability of the parcels. That action determined that the parcels could generally be considered suitable for vineyards/orchard and grazing but not row crops.

See **Exhibit A** for a more detailed discussion of the proposed project.

OTHER AGENCY INVOLVEMENT: The following checked agencies and departments reviewed the subject project and CEQA documents.

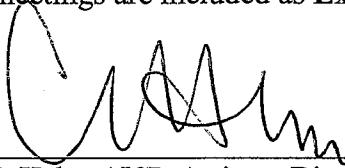
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|---------------------------------|--|
| ✓ Water Resources Agency | ✓ Office of Redevelopment and Housing |
| ✓ Environmental Health Division | ✓ Salinas Rural Fire Protection District |
| ✓ Public Works Department | ✓ Monterey County Sheriff's Office |
| ✓ Parks Department | ✓ Agricultural Commissioner |

Conditions recommended by the Planning Department, Water Resources Agency, Housing and Redevelopment Agency, Environmental Health Division, Sheriff's Office, Parks Department, Agricultural Commissioner and Salinas Rural Fire Protection District have been incorporated into the Condition Compliance and Mitigation Monitoring Reporting Plan attached to a draft resolution for the combined development permit (**Exhibit F**).

As noted in the prior staff report, the project, and changes thereto, were referred to the Toro Land Use Advisory Committee (LUAC) on three occasions. A summary of those actions is included in the minutes attached to the December report and are summarized in the attached findings.

The proposed project was presented to the Agricultural Advisory Committee (AAC) to address agriculturally related issues such as agricultural buffers and conversion of agricultural lands. The AAC held a hearing on December 4, 2008 and continued the matter for a site visit on December 11, 2008. Minutes from these meetings were included with the prior staff report.

The AAC was scheduled to complete their review on January 22, 2009, so staff prepared a summary memorandum that was presented to the Commission. The Commission requested additional review by the AAC, which was completed on February 26, 2009. Minutes from these two meetings are included as **Exhibit I**.



Carl P. Holm, AICP, Assistant Director of Planning
(831) 755-5103 or holmcp@co.monterey.ca.us
March 1, 2009

cc: Front Counter Copy; Planning Commission; Public Works; Water Resources Agency; Environmental Health; Parks Department; Redevelopment and Housing Office; Agricultural Commissioner; Salinas Rural Fire Protection District; Sheriff's Office; Carl Holm; Alana Knaster, Wendy Stremling, Bob Schubert, Representative (S. Damon), Owners (Mohsin, Samoske); LandWatch (A. White), Neighbor (Knott); Neighbor (Reihl); Neighbor (Pedrazzi); Neighbor (Hillard); Project File PLN980516.

Attachments:	Exhibit A	Project Discussion
	Exhibit B	Draft Resolution, EIR
	Exhibit C	Draft Resolution, Lot Line Adjustment
		1. LLA Map
		2. Conditions of Approval
	Exhibit D	Draft Resolution, GPA
		1. General Plan Land Use Map
	Exhibit E	Draft Resolution, Zone Change
		1. Zoning Map
	Exhibit F	Draft Resolution, CDP
		1. Condition Compliance and Mitigation Monitoring Reporting Plan
		2. Tentative Subdivision Map
	Exhibit G	Revised Agricultural Buffer Mitigation Plan (Samoske Property)
	Exhibit H	Ag Commissioner Memo re Viability Report (dated February 12, 2009)
	Exhibit I	AAC Minutes (1/22/09, 2/26/09)
	Exhibit J	AAC Handouts (Aerial Photos, Articles)

Exhibit A
PROJECT DISCUSSION
March 11, 2009

Overview

The AAC actions on February 26, 2009 support that intent expressed by the Planning Commission (discussed below). Staff has prepared a series of successive resolutions in the order in which they need to be addressed based on how they may impact successive actions. Therefore, staff has prepared the following resolutions for the Commission to consider that reflect the direction on January 28, 2009:

- 1) Certify the project EIR (#06-01), approve a mitigation monitoring and reporting plan, and adopt statement of overriding considerations (**Exhibit B**). This is an initial action to assess the environmental impacts of all proposed actions. The following actions cannot proceed without action on the EIR. **Exhibit B** including findings and evidence specifically related to the CEQA actions. Although the Board makes the final action, this resolution includes suggested overriding considerations that the Commission may choose to forward as a recommendation. The Commission may add, delete or modify any of these findings.
- 2) Approve a Lot Line Adjustment of 3.47 acres between APN: 167-061-032-000/Riehl and APN: 167-061-033-000/Mohsin (**Exhibit C**). This is a first action that by itself could be exempt from CEQA. However, it has been included as part of the overall project description and once this action is taken, the Riehl property is not affected by the general plan, zone change, or subdivision actions.
- 3) Amend the General Plan/Toro Area Plan as follows (**Exhibit D**):
 - Change land use map for APN: 167-061-029-000/Samoske: 17 acres from Farmland/40 acre minimum (F/40) to a Special Treatment Area (STA) Overlay.
 - Change land use map for APN 167-061-033-000/Mohsin: 249 acres from Permanent Grazing/40 acre minimum (PG/40) to a STA Overlay.
 - Adopt Toro Area Plan policy 30.1.1.2(T), establishing language for a STA overlay that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with agricultural buffers and the upper 249 acres would remain Permanent Grazing.

This resolution is the first land use action that must pass in order to move on with the subsequent resolutions.

- 4) Approve Zone Changes amending the underlying zoning designation as follows (**Exhibit E**):
 - APN: 167-061-029-000/Samoske: change 17-acres from F/40-D to LDR/5-VS
 - APN 167-061-033-000/Mohsin: change 55 acres of a 249-acre parcel from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.

This resolution recommends approving an ordinance to change the zoning to be consistent with the GPA note above. If the GPA action is changed, this action must change to be consistent.

- 5) Based on the findings and evidence and subject to the conditions of approval, approve a Combined Development Permit (PLN980516) for: a) Standard Subdivision to subdivide one 17-acre parcel (APN 167-061-029-000/Samoske into three parcels consisting of 7.0 acres (Parcel A), 5.0 acres (Parcel B) and 5 acres (Parcel C) and subdivide one 249.0 acre parcel (APN 167-061-033-000/Mohsin) into 11, 5-acre parcels (LDR/5) plus one

remainder parcel totaling 194 acres (PG/40). b) Administrative Permit pursuant to Section 21.14.040.G to allow a small water system with 14 connections. (**Exhibit F**)

This action relies on approval of both the GPA and zone change above. If those actions are changed, then this action must change to be consistent.

For purposes of this report, staff's discussion is focused on the remaining agricultural issues. All other matters were discussed in prior staff reports to the Planning Commission (December 10, 2008, January 28, 2009).

Revised Agricultural Buffer Plan

On January 28, 2009, staff presented the Commission with a proposed Agricultural Buffer Plan that included 100 foot buffers on the Mohsin property and 75-foot buffers on the Samoske property. To achieve the increased buffers on Lot C, the applicant reduced the size of Parcel A (where the Samoske home is currently located) from 7 acres to 6 acres and increased the size of Parcel C (adjacent to River Road) from 5 acres to 6 acres. Lot B would remain at 5 acres. Following recommendation of the AAC, the Commission accepted the Mohsin plan, but not the Samoske plan.

The applicant submitted a revised plan for the Samoske property at the hearing that provides the following buffers:

- 200 feet from the Pedrazzi property on the north due to current use of that property for an active cattle operation.
- At the northwest corner of the Samoske property, the buffer is reduced to 75 feet where the property abuts Pizoni.
- 50 feet from the Jardini property on the south. Since the property line goes to middle of 60-foot right of way, there is effectively an 80-foot buffer that includes 30 feet of road easement on the Jardini property that cannot be farmed.
- 200 feet from River Road.

This design results in a, 86-foot wide building pad on the upper portion of Lot C in the Samoske proposed subdivision. It leaves a small sliver of area on lower portion of Lot C where there is no buffer.

This revised Agricultural Buffer Plan was presented to the AAC at their meeting on February 26, 2009. At the AAC hearing, Mr. Knott requested requirement for a 200 foot buffer from his eastern property line where it abuts the Samoske property. The Knott property is designated Farmland/40 acre minimum (F/40), and the current use of the lower portion is vineyards. The existing house on the Samoske property (parcel C) is approximately 370 feet from this property line at the closest point.

Some concerns were expressed for potential impact to agricultural operations if the use/crop adjacent to the Samoske property changes. It was also noted that this is a narrow a strip which both makes it infeasible for productive farming but also places homes on the edge of agricultural lands. Photos were provided of other jurisdictions that integrates agriculture (vineyards) with housing development (Livermore, Sonoma County, San Martin) by design (**Exhibit J**).

The AAC noted that the existing 14 residential parcels in this area have no buffers. Staff researched this matter and found no record of any conflicts in this area. In addition, staff

investigated this matter in other similar areas along River Road. The only buffer applied to a project from this site to Highway 68 is Las Palmas. A few years back, there was one issue raised from Wild Things (Pine Canyon and River Road) when Pine Canyon Berries switched to vegetable crops one year and began having aerial applications by helicopter. This caused complaints about noise because this is a B&B operation with tents and the early morning noise from the helicopters was waking the guests very early in the morning. There was also concern about how the noise might affect the elephants. In this case, because of the way noise travels in the area, even a 200-foot buffer would not have made a difference. They were able to work it out with the grower and the pilot to at least minimize the problem. Then they went back to berries and there were no more aerial applications.

Testimony was presented as to the affects of spraying. An article of an incident near Salinas was submitted (**Exhibit J**). A concern was noted for if an agricultural lot changes its crop/practice and how having homes nearby could impact their operation. Moss Landing (Portrero Road) was presented as an example of how this can happen.

After considering all of the evidence and testimony, the AAC voted 5-3 to accept the revised buffer plan as proposed.

Agricultural Viability

Following the Planning Commission hearing on January 28, 2009, one neighbor (Mr. Knott) met with the Deputy Agricultural Commissioner. Mr. Knott alleged potential "ghost writing" of the agricultural viability report due to similarities between work completed by a former owner (Avila) and the consultant who signed the report. The Ag Commissioners office contacted the consultant and then completed an independent review and analysis of the viability for these parcels. A memorandum from the Deputy Agricultural Commissioner summarizing their findings is attached as **Exhibit H**.

The Deputy Agricultural Commissioner tried to apply a conservative yet equitable assessment. This memorandum finds that the parcels could possibly be assigned a higher value overall, but the final conclusion is not changed. Some of the AAC noted that the Samoske property actually should score less due to the narrow lot configuration not being conducive to movement of farm equipment. The neighbor, Mr. Knott contended that each parcel should receive at least four additional points each making them marginal.

At the end of the discussion, the ACC was presented with the option to either reaffirm their prior action on the viability or take action to change their position. The AAC voted 8-0 to reaffirm their earlier action that was to accept the viability report conclusions.

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE
ENVIRONMENTAL IMPACT REPORT (PLN980516)

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

In the matter of the application of:

MOHSIN/SAMOSKE (PLN980516)

Resolution No. _____

Resolution of the Monterey County Planning
Commission recommending to the Monterey
County Board of Supervisors:

1. Certify EIR # 06-01 (SCH#: 2006051020),
2. Approve a Mitigation Monitoring and
Reporting Plan and
3. Adopt a statement of overriding
considerations.

The properties are located at 874, 884 and 870
River Road, (APN: 167-061-029-000, 167-061-
033-000, and 167-061-032-000), Toro Area Plan.

The Environmental Impact Report (EIR) [SCH#2006051020] for the Mohsin-Samoske General Plan Amendment and project (PLN980516) came on for public hearing before the Monterey County Planning Commission on December 10, 2008, January 28, 2009 and March 11, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby recommends that the Board of Supervisors adopt the following findings:

FINDINGS

1. **FINDING:** The County of Monterey has completed the Mohsin-Samoske General Plan Amendment Final EIR in compliance with CEQA, and the Final EIR reflects the County of Monterey's independent judgment and analysis.
EVIDENCE: a) The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
b) . On February 15, 2005, the Monterey County Board of Supervisors adopted a Mitigated Negative Declaration and approved a 14 lot subdivision and related permits on properties now owned by Mohsin, Riehl, and Samoske. (Board of Supervisors Resolution Nos. 05-071 and 05-024.)
c) On September 19, 2005, Land Watch Monterey County and River Road Ranchers for Responsible Growth filed a petition for writ of mandate in the Monterey County Superior Court challenging the Board's actions as contained in Resolution Nos. 05-071 and 05-024. (Superior Court Case No. M73627.) On December 30, 2005, the Superior Court granted the

petition for writ of mandate and ruled that there was substantial evidence supporting a fair argument that the project may have a significant effect on the environment and thus an Environmental Impact Report rather than a Mitigated Negative Declaration was required under CEQA. The court entered judgment and issued a Peremptory Writ of Mandate on February 22, 2006. On March 28, 2006, in compliance with the peremptory writ, the Board of Supervisors set aside its decision, approvals, and findings of February 15, 2005, including Resolution Nos. 05-071 and 05-024 approving the project and the associated mitigated negative declaration.

- d) Following the court ruling, the County proceeded to prepare a Draft EIR in accordance with CEQA (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.).
- e) Monterey County Planning Department filed a Notice of Preparation (NOP) with the County Clerk and distributed the NOP to all Responsible Agencies on March 30, 2006. Responses to the Notice of Preparation were considered in the preparation of the EIR.
- f) A Draft Environmental Impact Report (DEIR) was prepared to assess the potential adverse environmental impacts from the project and was circulated starting on February 8, 2008. (Draft EIR – Mohsin-Samoske General Plan Amendment (“DEIR”) prepared by LSA dated January 2008, on file with the RMA - Planning Department.) The project analyzed in the draft EIR was a subdivision that would create three parcels—one parcel of approximately 7 acres (ac) and two 5 ac parcels—from Joseph and Sandra Samoske’s 17 ac property (APN 167-061-029). It would also create 11 new 5 ac parcels from Mused and Terry Mohsin’s 245.51-ac parcel (APN 167-061-033). It also analyzed a Lot Line Adjustment between Robert and Nancy Riehl’s property (APN 167-061-032) to the Mohsin parcel (APN 167-061-033) to allow the clustering of 11 parcels on the 245.51 ac Mohsin parcel. Of the remaining approximately 194 ac, 157.7 ac (those portions that have a slope 30% or greater) would be deeded as a Scenic Easement to Monterey County to preserve viewshed and open space. Although the EIR is entitled “Mohsin Samoske General Plan Amendment Draft EIR,” the Draft EIR analyzed all components of the proposed project, including the lot line adjustment, proposed zone change, and the tentative subdivision map. Issues that were analyzed in the Draft EIR include aesthetic resources, agricultural resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, traffic and transportation and utilities and service systems.
- g) The draft EIR was duly noticed and circulated for public review, and public comments were received and considered. The County distributed a Notice of Completion with copies of the Draft EIR on February 4, 2008. The County published a Notice of Availability of the DEIR in the Salinas Californian.
- h) During the public review period for the DEIR (February 8, 2008 to March 24, 2008) the County received comment letters from the Monterey Bay Unified Air Pollution Control District, Landwatch

Monterey County, Wittwer & Parkin, LLP, Pacific Engineering Group, Inc., Dale Hillard, Debbie Pedrazzi, Douglas Fay and the Native American Heritage Commission. .

- i) CEQA Guidelines Section 15088.5 requires re-circulation of an EIR if the lead agency determines that significant new information is added to the EIR after public review but before certification, and the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental impact.
- j) In response to certain comments on the DEIR, the project was amended to add an amendment to the Toro Area Plan to creation of a Special Treatment Area (STA) overlay, and staff developed a revised design alternative to illustrate a clustered design concept.. Based on these modifications, the County revised and recirculated for public review four Chapters of the DEIR: Executive Summary, Project Description, Land Use and Planning, and Alternatives. (Recirculated Portion of Draft EIR - Mohsin-Samoske General Plan Amendment (“RDEIR”), prepared by LSA Associates, Inc. dated September 2008) and the County distributed a Notice of Completion with copies of the Recirculated portion of the Draft EIR on September 25, 2008. The County published a Notice of Availability of the RDEIR in the Salinas Californian. The public review period on the Recirculated Portion of the Draft EIR was from September 26 through November 10, 2008. The County requested that reviewers limit their comments to the portions of the DEIR that were being re-circulated. During the public review period for the RDEIR, the County received comments from Wittwer & Parkin, LLP and Pacific Engineering Group.
- k) The DEIR and RDEIR contain extensive analysis of the proposed development, with and without mitigations, compared to alternatives, including a No Project Alternative, a Reduced Density Project Alternative, and a Redesigned Project Alternative.
- l) The County prepared “Responses to Comments on the Mohsin-Samoske General Plan Amendment Draft EIR and Recirculated Draft EIR.” (“Response to Comments – Mohsin-Samoske General Plan Amendment Draft EIR and Recirculated Draft EIR,” prepared by LSA Associates and Monterey County RMA-Planning Department, dated January 2009.) The Responses to Comments responds to comments that relate to chapters of the DEIR that were not recirculated and responds to the comments received during the recirculation period that relate to the chapters that were revised and recirculated chapters. The Responses to Comments document was released to the public on January 16, 2009 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR and RDEIR. The County has considered the comments received during the public review period for the draft EIR, and in the Responses document, provide responses to the comments received. Together, the DEIR, RDEIR and Responses to Comments constitute the final EIR on the project..
- m) If the County approves the project analyzed in the Mohsin-Samoske General Plan Amendment EIR, the County will monitor the

implementation of mitigation measures in accordance with the applicable Mitigation Monitoring Program.

- n) All feasible project changes required to avoid significant effects on the environment will be incorporated into the project and/or made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation (Resolution ~~####~~). The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (**Condition 5**)
- o) Evidence that has been received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment information and testimony presented during public hearings. The technical reports for the project include the following:
 - *Agricultural Suitability and Land Capability Assessment* prepared by Rush, Marcroft and Associates.
 - *Memorandum from Bob Roach, Agricultural Commissioner's Office regarding the Agricultural Suitability and Land Capability Assessment* dated February 12, 2009.
 - *Air Quality Analysis* prepared by Jones and Stokes dated March 8, 2007.
 - *Geotechnical Soils-Foundation and Geologic Hazards Report* prepared by Grice Engineering, Inc. dated June 1998.
 - *Hydrogeologic Report* prepared by Grice Engineering, Inc. dated September 2003.
 - *Percolation and Groundwater Study* prepared by Grice Engineering dated June 31, 1998.
 - *Traffic Report* by Higgins Associates dated April 12, 2007.

These documents are on file in the RMA-Planning Department (PLN980516) and are hereby incorporated herein by reference.

- p) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. The site supports potential habitat for kit fox, burrowing owl, western spadefoot, and Congdon's tarplant. For purposes of the Fish and Game Code, the project will not have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the EIR. Therefore, the project will be required to pay the State fee to the County Clerk.
- q) The Draft EIR, RDEIR, and Responses to Comments, which together comprise the Final EIR, were provided to the Planning Commission. The PC held hearings on the project on December 10, 2008, January 28, 2009 and March 11, 2009. Before making its recommendation on the certification of the Final EIR and on the project at its hearing on March 11, 2009, the Planning Commission reviewed and considered the information in the final EIR.
- r) Staff reviewed the development application and conducted numerous

site visits.

- s) The Monterey County Resource Management Agency Planning Department, located at 168 West Alisal Street, 2nd Floor in Salinas, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the EIR is based.

2. **FINDING: ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT WITH THE EXCEPTION OF GROWTH INDUCING IMPACTS** – Mitigation measures reduce most impacts to a level of insignificance. However, the potential growth inducing development pressure to neighboring agriculture lands cannot be fully mitigated and therefore remains a significant unavoidable impact.

- a) Draft EIR – Mohsin-Samoske General Plan Amendment prepared by LSA dated January 2008.
- b) Re-circulated Portion of Draft EIR - Mohsin-Samoske General Plan Amendment prepared by LSA Associates, Inc. dated September 2008.
- c) Response to Comments – Mohsin-Samoske General Plan Amendment Draft EIR and Recirculated Draft EIR prepared by LSA Associates and Monterey County RMA-Planning Department dated January 2009.
- d) The Mohsin-Samoske Mitigation Monitoring Program, proposed to be adopted in conjunction with this project approval.
- e) Administrative record maintained at the Monterey County Resources Agency – Planning Department, 168 West Alisal Street, Salinas, California, including material in Planning Department file PLN980516.

3. **FINDING: IMPACT TO VISUAL CHARACTER WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures AES-1 and AES-2 will reduce potentially significant visual impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Effects on Project Site and Vicinity Visual Character (DEIR Chapter IV-A). The proposed project has the potential to significantly impact the visual character of the project site and the surrounding visual area. The proposed residential and street light sources have the potential to significantly impact the nighttime view from designated scenic highways.

- EVIDENCE:**
- a) Mitigation Measure AES-1. A conservation and scenic easement shall be conveyed to the County over those portions of the property not proposed for five-acre lots, excluding the existing home site on the remainder parcel. This amounts to about 150 acres to preserve hillside views and reduces potential impact to a less than significant level.
 - b) Mitigation Measure AES-2. All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. These measures reduce impacts from lighting to a less than significant level.

4. **FINDING: IMPACTS TO AGRICULTURAL RESOURCES WILL BE MITIGATED TO LESS THAN SIGNIFICANT LEVEL** – Mitigation Measure AG-1 will reduce impacts to agricultural resources to a less than significant level.

Effects on Agricultural Resources (DEIR Chapter IV.B). The proposed project has the potential to significantly impact neighboring lands currently used for agriculture.

- EVIDENCE:** a) Mitigation Measure AG-1. Requires Agricultural Buffer Mitigation Plans for the Mohsin and Samoske properties to the Planning Department and Agricultural Commissioner to reduce impacts to neighboring agricultural operations.
- b) The proposed Special Treatment Area (STA) requires that agricultural buffers be established where applicable taking into account conditions such as the type of adjacent agricultural use, topography and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. Said setback areas must be labeled on the final map as “agricultural buffer easement. The easement deed must describe the easement on each parcel containing an agricultural buffer to exclude habitable structures. The STA requires an Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, for any subdivision with the STA. The proposed buffers provide 200 feet from the Pedrazzi property on the north, 75 feet from the Pizoni property on the north, 50 feet from the Jardini property on the south and 200 feet from River Road. Revised buffers were reviewed and recommended for approval by the Agricultural Review Committee (AAC) on February 28, 2009. The AAC also reviewed a memorandum from the Deputy Agricultural Commissioner summarizing the results of an independent review of the agricultural viability report for the subject parcels. The AAC voted to reaffirm their opinion that the lands could be used for grapes and grazing, but not for row crops. Finally, the AAC voted to support the proposed conversion of agricultural land as designed. The AAC noted that the project was designed with 5-acre lots that could allow limited agriculturally-related uses such as limited equestrian/ livestock or small vineyards. They found this to be consistent with the existing 5-acre lots abutting the 55-acre portion of the Mohsin property. In addition, the AAC noted that approximately 200 acres would remain PG with $\frac{3}{4}$ (150 acres) of that land being placed in a permanent agricultural conservation easement.

5. **FINDING: IMPACT TO BIOLOGICAL RESOURCES WILL BE MITIGATED TO LESS THAN SIGNIFICANT LEVEL** – Mitigation Measures BR-1 through BR-6 will reduce biological impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Effects on Biological Resources (DEIR Chapter IV.D). The proposed project could:

- a) *result in the removal one coast live oak tree protected by the Monterey County Tree Ordinance;*
- b) *impact nesting raptors and/or other birds;*

- c) *impact burrowing owls;*
- d) *impact the CTS and western spadefoot;*
- e) *impact the Congdon's tarplant; and*
- f) *impact wetlands and/or other waters of the U.S.*

- EVIDENCE:**
- a) Mitigation Measure BR-1 - Prior to final map approval, the applicant shall submit a landscape plan to the County RMA- Planning Department, which includes oak tree protective measures.
 - b) Mitigation Measure BR-2 - Measures implemented to mitigate for potential impacts to nesting birds reduce the potential impact to a less than significant level.
 - c) Mitigation Measure BR-3 - Measures implemented to mitigate for potential impacts to burrowing owls reduce the potential impact to a less than significant level.
 - d) California Tiger Salamander (CTS) are assumed to be present on the project site based on the presence of suitable habitat. Western spadefoot could also be present on the project site. Mitigation Measure BR-4 incorporates measures to mitigate for potential impacts to CTS and western spadefoot reduce the potential impact to a less than significant level.
 - e) Mitigation Measure BR-5 – Measures implemented to mitigate for potential impacts to Congdon's tarplant reduce the potential impact to a less than significant level.
 - f) It should be noted that the wetlands/water features on the project site are expected to be non-jurisdictional under the CWA. As a result, it is expected that no authorization will be required from the Corps to fill the subject features and the project will not have a federal nexus with which to consult with the USFWS. In the event the Corps determines the wetlands on the northern part of the project site are non-jurisdictional under Section 404 of the CWA, it is likely the RWQCB will regulate these features as waters of the State under PCWQCA. Mitigation Measure BR-6 includes measures to mitigate for potential impacts to jurisdictional waters under Section 404 of the CWA and/or PCWQCA, depending on the jurisdiction determination made by the Corps.

6. **FINDING: IMPACTS RELATED TO GEOLOGY AND SOILS WILL BE MITIGATED TO LESS THAN SIGNIFICANT.** Mitigation Measure GEO-1 will reduce potentially significant impacts from geology and soils to a less than significant level. The mitigation measure is feasible to implement and are fully enforceable through permit conditions.

Potential Impacts Related to Geology and Soils (DEIR Chapter IV-E). Structures and buildings associated with the proposed project have the potential to be significantly impacted by ground-shaking commensurate with a maximum credible earthquake.

- EVIDENCE:**
- a) Mitigation Measure GEO-1. Project design assume that project facilities would be exposed to ground shaking commensurate with a maximum credible earthquake in order to reduce this potential impact to a less than significant level.

- b) Implementing Mitigation Measure GEO-1 that requires all structures to be designed and built in accordance with the requirements of the Uniform Building Code's current edition, Seismic Zone IV would ensure that impacts related to seismic ground shaking are reduced to a less than significant level. The project poses no other significant, unavoidable impacts resulting from geologic hazards.

7. **FINDING: IMPACTS TO HYDROLOGY AND WATER QUALITY** – Mitigation Measures HYD-1 through HYD-9 will reduce impacts to hydrology and water quality to a less than significant level.

Effects on Hydrology and Water Quality (DEIR Chapter IV.F). The proposed project has the potential to:

- a) *discharge pollutants via project runoff;*
- b) *discharge pollutants during demolition, grading and construction operations;*
- c) *significantly impact storm water runoff and surface erosion;*
- d) *impact storm water detention facilities and surface runoff;*
- e) *significantly impact detention ponds and retention/infiltration systems including on and off-site drainage;*
- f) *significantly impact drainage conditions associated with roads at the project site;*
- g) *significantly impact drainage and flood control systems; and*
- h) *impact the demand for groundwater.*

- EVIDENCE:**
- a) Mitigation Measure HYD-1. Requires measures of Best Management Practices (BMPs) and erosion and sediment control.
 - b) Mitigation Measure HYD-2. Measures to ensure that the project complies with the requirements of the State General Construction Activity NPDES Permit reduces potential erosion and runoff impacts to a less than significant level.
 - c) Mitigation Measure HYD-3. Measures to ensure that the project complies with the requirements of the NPDES General Permit and Waste Discharge Requirements for the Storm Water Discharges from Small Municipal Separate Storm Sewer Systems Order No. 2003-0005-DWQ NPDES No. CAS000004 reduces potential erosion and runoff impacts to a less than significant level.
 - d) Mitigation Measure HYD-4. Requires the applicant to provide a road improvement plan prepared by a registered civil engineer that includes dispersing storm water runoff onto a non-erodible surface.
 - e) Mitigation Measure HYD-5. Requires the applicant to provide a drainage report that includes calculations certifying storm water detention facilities will be sized to store the difference between the 100-year post-development runoff and the 10-year pre-development runoff, while limiting discharge to the 10-year pre-development rate.
 - f) Mitigation Measure HYD-6. Requires a note on the final map stating: "A drainage plan shall be prepared, for each lot, by a registered civil engineer or architect prior to issuance of any grading or building permits. Impervious surface stormwater runoff shall be directed to the stormwater drainage system for the subdivision. If runoff cannot be directed to the subdivision drainage improvements, on-site retention/detention facilities shall be constructed in accordance with

plans approved by the Water Resources Agency.” [THIS SOUNDS LIKE DEFERRED MITIGATION. HAS WRA ALREADY SEEN A PRELIMINARY DRAINAGE PLAN? IF YES, ASK WRA TO STRENGTHEN THIS MEASURE]

- g) Mitigation Measure HYD-7. Includes measures for a Homeowner’s Association to be formed for the maintenance of roads, drainage facilities, and open spaces.
- h) Mitigation Measure HYD-8. Requires a Drainage and Flood Control Systems Agreement that includes a summary of required annual maintenance activities and provisions for the preparation of an annual drainage report.
- i) Mitigation Measure HYD-9. Landscaping plans are required to utilize xeriscape and/or native drought tolerant plantings to minimize the amount of groundwater needed to irrigate the rural residential parcels.
- j) These measures reduce potential erosion and runoff impacts to a less than significant level.

8. **FINDING:** **LAND USE AND PLANNING IMPACTS WILL BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS.** Mitigation Measure LU-1 will reduce land use and planning impacts to a less than significant level.

Effects on L and Use and Planning (DEIR Chapter IV.G and RDEIR Chapter IV.G). The proposed project must comply with the requirements of the Inclusionary Housing Ordinance #3419 of the County of Monterey. Chapter IV.G Land Use and Planning was updated in the RDEIR to reflect the designation of the proposed project site as a Special Treatment Area (STA). Accordingly, the policy consistency discussion included as part of the CEQA Threshold 4G.2 analysis in the February 2008 DEIR was updated to reflect revised conclusions that the proposed project is consistent with all applicable General Plan policies. The policy consistency discussion provided in the February 2008 DEIR made clear that whether a project is consistent with a specific policy can be subjective and that a project’s inconsistency with a policy is only considered significant if such inconsistency would cause physical environmental impacts. The Land Use and Planning analysis contained in the DEIR concluded that the identified policy-related inconsistencies would not result in a direct, identifiable physical environmental impact. Therefore, although the recirculated Land Use and Planning analysis interprets the land use policies differently, in all instances, the impact conclusions remain the same.

EVIDENCE: a) Mitigation Measure LU-1. Requires compliance with Monterey County’s Inclusionary Housing Ordinance #3419 by paying, or securing, to the satisfaction of the Redevelopment and Housing Director, an in-lieu fee of \$164,313.

9. **FINDING:** **IMPACTS TO PUBLIC SERVICES WILL BE REDUCED TO LESS THAN SIGNIFICANT** – Mitigation Measure PS-1 will reduce potentially significant impacts to public services to a level of less than significant. The mitigation measure is feasible to implement and is fully

enforceable through permit conditions.

Effects on Public Services (DEIR Chapter IV.I) - The proposed project has the potential for significantly impacting public services.

- EVIDENCE:** a) Mitigation Measure PS-1. The applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D).

10. **FINDING:** **IMPACTS TO TRAFFIC AND CIRCULATION WILL BE REDUCED TO LESS THAN SIGNIFICANT** – Mitigation Measures TRA-1 through TRA-4 will reduce potentially significant traffic and transportation impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Effects on Traffic and Transportation (DEIR Chapter IV.J). The proposed project has the potential to impact:

- a) site distances and traffic safety along River Road;*
- b) the intersection of SR-68 WB and Reservation-River Road;*
- c) the intersection of US 101 Northbound Ramps and Main Street; and*
- d) the regional road network.*

- EVIDENCE:** a) Mitigation Measure TRA-1 – Any brush located within the project R.O.W. shall be cleaned and maintained by the project applicant so adequate sight distance at the project driveway is provided. Brush is growing on the west side of River Road, remove or trim brush to increase sight distance from 430 ft to 550 ft, meeting the minimum required sight distance of 512 ft.
- b) Mitigation Measure TRA-2 – The applicant shall contribute \$2,533 to the County as the project's fair share contribution toward future improvements to the Highway 68 westbound ramps/Reservation Road intersection.
- c) Mitigation Measure TRA-3 – The applicant shall contribute \$5,266 to the County as the project's fair share contribution toward future improvements to the northbound on and off ramps in Chualar.
- d) Mitigation Measure TRA-4 – Monterey County and cities within the county have recently adopted a regional development impact fee and are transmitting the fees to a newly formed Joint Powers Agency. The applicant shall pay the Regional Development Impact Fee (currently \$4,113.00 per dwelling unit). The fee shall be reduced by \$2,523.77 per lot to account for traffic mitigation fees previously paid by the subdivider.
- e) Payment of the fair share fees for direct impacts and a regional program reduces potential traffic impacts to a less than significant level.

11. **FINDING:** **ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The project would result in significant and unavoidable growth-inducing impacts that would not be mitigated to a less than significant level as described in this finding (see DEIR Chapter V.C). Specific economic, legal, social or technological considerations make infeasible a mitigation measure of alternative that would avoid or substantially lessen this impact.

- EVIDENCE:** a) The DEIR concludes that indirectly, by way of creating an example of what can be achieved on parcels with similar land use designations or on land located in similar environments in the Toro Area, the proposed project could encourage or facilitate conversion of other agriculturally zoned properties in the Toro Area. The DEIR (page V-3) states that the proposed project could have an indirect growth inducing impact in that it could create an example of what can be achieved on parcels with similar land use designations or lands located in similar environments in the Toro Area. However, the DEIR (page V-3) also notes that the older subdivision adjacent to and north of the proposed project does not appear to have spawned additional residential growth on surrounding agricultural lands since there have been no other conversions of agriculturally zoned land in the immediate area since the 1982 General Plan was adopted.
- b) Even though the EIR identified a potentially significant growth-inducing impact, various factors temper that impact. The Agricultural Advisory Committee (AAC) discussed the growth-inducing potential of the project and voted to support the proposed conversion of agricultural land. The AAC noted that the project was designed with 5-acre lots that could allow limited agriculturally-related uses such as limited equestrian/livestock or small vineyards. The AAC found this to be consistent with the existing 5-acre lots abutting the 55-acre portion of the Mohsin property. The AAC noted that approximately 200 acres would remain PG with $\frac{3}{4}$ (150 acres) of that land being placed in a permanent agricultural conservation easement. Geographic boundaries of parcels with similar land use designations or that are located in similar environments are primarily located west of River Road, east of the Sierra de Salinas Mountains, south of Pine Canyon Road and North of Limekiln Road and amount to a relatively small percentage of the entire Toro Area. Of the 38 lots located west of River Road near the project site, the majority (27 parcels) are under Williamson Act contracts. According to the Agricultural Commissioner, to date, there has not been a cancellation of a Williamson Act contract in Monterey County.
- c) The project includes the creation of a Special Treatment Area (see RDEIR, page 16) which limits development of the project site to 13 new residential lots clustered on the lower 72 acres with the upper portion remaining as permanent grazing with an agricultural conservation easement over at least 150 acres.
- d) Since this EIR includes reference to the draft 2007 General Plan (GPU5), it should be noted that additional protections are included in that draft plan, if adopted. The draft General Plan includes a new policy that requires development in the unincorporated areas of the County to be subject to a Development Evaluation System to provide a systematic, predictable, and quantitative method to evaluate residential development proposed for lands currently zoned for agricultural uses. The draft 2007 General Plan Policy LU-1.19 would mitigate any growth inducing impacts associated with the proposed project if adopted as drafted. Because the County is currently comprehensively updating its General Plan, it is not feasible to amend the 1982 General

Plan in a piecemeal fashion to include only this one new policy. The proposed policy is part of an integrated approach in GPU5 directing new residential growth to already developed areas. Such a policy needs to be adopted in the context of a larger framework, such as is provided by GPU5.

12. **FINDING:** **CEQA ALTERNATIVES TO THE PROPOSED PROJECT** – The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines Section 15126.6. The EIR considered the following alternatives as more fully described in Chapter VI of the RDEIR.

- EVIDENCE:** a) No Project Alternative. The No Project Alternative would entail no subdivision of the subject Mohsin and Samoske properties as proposed, and, for purposes of this EIR analysis, the properties would remain as current uses of agriculture/grazing with associated residences. Overall, the No Project Alternative would have fewer impacts, or no impacts to the environmental issues and resources than the proposed project would impact. However, the No Project Alternative would not meet the project objective of providing 13 additional low-density rural residential opportunities with a minimum of 5-ac sites near the City of Salinas.
- b) Reduced Density Alternative. The Reduced Density Project Alternative would subdivide the project site into fewer parcels than the 13 proposed in the proposed project, and would redesign the size and shape of the parcels with the intent to reduce any environmental effects considered significant or adverse. Under this alternative, the 17 ac Samoske parcel would be subdivided into three parcels of at least five ac in size (same as the proposed project for this part of the site primarily due to the narrow shape of the parcel and the negligible resource impacts) and the 249 ac Mohsin parcel would be subdivided into seven (7) homesite lots on 55 ac and a remainder parcel of 194 ac, which would be dedicated as permanent open space via conservation easement on all lands that have a slope 30% or greater, exclusive of the existing dwelling area. The alternative would provide additional buffer area on four of the alternative lots thereby providing better protection for sensitive biological resources and reducing the potential indirect effects to those resources from residential development. In conclusion, it is not feasible to adopt the reduced density alternative because it would have similar environmental effects as the proposed project, but would generate incrementally fewer physical changes (e.g., number of school students, traffic trips, consumption of utilities and services, etc.).
- c) Redesigned Project Alternative. The Redesigned Project Alternative would subdivide the project site into the same number of new residential lots as the proposed project. However, the configuration of the majority of the newly subdivided lots (11) would be clustered with the intent to reduce potential biological effects considered significant or adverse. The proposed project would subdivide and rezone 55 ac of the 249 ac Mohsin property into 11 low density residential parcels. Under the Redesigned Project Alternative, the residential uses would be

clustered on the southwestern portion of the proposed 55 ac parcel to be subdivided so that the 11 homesites (minimum 1 ac) would comprise approximately 25 ac of the 55 ac site (see RDEIR, Figure VI.2). This area is depicted as Lots 1, 2, 3, 4, and 5 on the proposed project Site Plan, RDEIR, Figure III.3. The remaining 30 ac parcel would be dedicated as permanent open space (keeping the underlying residential zoning) via conservation easement to avoid the sensitive biological resources on the project site including a freshwater marsh, seasonal wetland, a landmark coast live oak tree, and oak woodland habitat. In addition, under this alternative, the 17 ac Samoske parcel would be subdivided in a manner identical to that which is proposed in the proposed project for this part of the site (three parcels of at least five ac in size) primarily due to the narrow shape of the parcel and the negligible resource impacts. Overall, the Redesigned Project Alternative would have similar environmental effects as the proposed project in all areas except biological resources. The Redesigned Project Alternative would cluster 11 of the 13 proposed homesites into an area separated from the sensitive biological resources including the seasonal wetland, freshwater marsh, landmark coast live oak tree, and oak woodland habitat, thereby providing better protection for these resources and reducing the potential indirect effects to those resources from residential development. In conclusion, it is not feasible to adopt this alternative because it would meet three of the four project objectives but would not meet the project objective to provide 13 low-density rural residential opportunities with minimum 5-acre sites near the City of Salinas.

- d) Alternative Project Location. Per the CEQA Guidelines, Section 15126.6 (f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. The project is being proposed within the Toro Area of County where land uses are predominantly rural/agricultural. The primary impacts associated with the proposed project (e.g., aesthetics, biological resources, and agricultural resources) stem from the fact that the proposed project would develop what is currently undeveloped, agricultural land. Because the predominant land use in the Toro Area is agricultural, none of the significant impacts associated with the proposed project would be avoided or lessened by developing the project in an alternate location within the Toro Area. Therefore, it was not feasible to analyze an alternative project location for the proposed project.
- e) Environmentally Superior Alternative. Each of the alternatives either avoided or minimized to a greater extent the impacts associated with the proposed project. When all the alternatives were considered, the No Project Alternative is considered to be the Environmentally Superior Alternative because only the No Project Alternative avoided all the impacts related to the proposed project. However, as mentioned previously, Section 15126.6(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, than another alternative must be identified amongst the alternatives considered as

the Environmentally Superior Alternative. Therefore, the Reduced Density Project Alternative is considered to be the Environmentally Superior Alternative because it meets most of the project objectives with incrementally less environmental impacts to aesthetics, air quality, biological resources, hydrology and water quality, population and housing, public services, traffic, and utilities than the proposed project, none of which remain significant after mitigation. The Reduced Density Project Alternative would not change the impacts associated with agricultural resources, and geology and soils. It is not feasible to adopt the Reduced Density Alternative because it would not meet the project objective to provide 13 low-density rural residential opportunities with minimum 5-acre sites near the City of Salinas.

13. **FINDING:** **STATEMENT OF OVERRIDING CONSIDERATIONS** - In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits of the project against its unavoidable significant environmental impacts in determining whether to approve the project, and has determined that the benefits of the project outweigh its unavoidable, adverse environmental impacts so that the one identified significant unavoidable impact may be considered acceptable.

- EVIDENCE:** a) In accordance with Section 15093 of the CEQA Guidelines, Monterey County has evaluated the economic, legal, social, technological, or other benefits of the proposed project against their unavoidable significant environmental impacts in determining whether to approve the proposed project, and has determined that the benefits of the project outweigh their unavoidable adverse environmental effects so that the adverse environmental effects may be considered "acceptable." The proposed project will result in development that will provide benefits described herein to the surrounding community and the County has a whole.
- b) The upper 194 acres of the site will remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where slopes are 30% or greater.
 - c) Water system improvements and a large storage tank will improve fire suppression capabilities for the existing homes in this area as well as the proposed subdivision.
 - d) As conditioned, the project would improve traffic safety on River Road. Any brush on the west side of River Road at the project driveway will be cleared and maintained so adequate sight distance is provided. According to the traffic report for the project, currently, sight distance to the south on River Road from the project driveway is approximately 430 feet. Some brush is growing on the west side of the road, and if the brush is removed, the sight distance will increase to approximately 550 feet.
 - e) Road improvement requirements for the private road will benefit existing users, and the formation of a homeowner's association to contribute to road maintenance will spread maintenance costs.

FINDING: RECIRCULATION OF THE EIR IS NOT REQUIRED -

Recirculation of the EIR is not required pursuant to Section 15088.5 of the CEQA Guidelines.

EVIDENCE: a) No significant new information was submitted after public notice of the availability of the Draft EIR was given. At the Planning Commission meeting on January 28, 2009, a neighbor expressed issues concerning conflicts in the agricultural viability report. In response, the Deputy Agricultural Commissioner conducted an independent review of the agricultural viability for the subject parcels. The AAC reviewed a memorandum prepared by the Deputy Agricultural Commissioner summarizing the results of an independent review of the agricultural viability report for the subject parcels. The AAC voted to reaffirm their opinion that the lands could be used for grapes and grazing, but not for row crops.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Recommend that the Board of Supervisors certify the final environmental impact report (EIR#06-01, SCH#: 2006051020) for the Mohsin-Samoske project (PLN980516). The Draft EIR (dated January 2008), Recirculated Portion of Draft EIR (dated August 2008), and the Responses to Comments (dated January 2009) and constitute the complete EIR for this project.
- B. Recommend that the Board of Supervisors approve the Condition Compliance and Mitigation Monitoring and Reporting Program attached to Resolution ~~####~~ for PLN980516.
- C. Recommend that the Board of Supervisors adopt a statement of overriding considerations.

PASSED AND ADOPTED this 11th of March, 2009, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

By _____
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANTS ON:

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE
LOT LINE ADJUSTMENT (PLN980516)

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

In the matter of the application of:
MOHSIN/RIEHL (PLN980516)

Resolution No. _____

Resolution of the Monterey County Planning Commission approving a Lot Line Adjustment of 3.47 acres between two parcels reducing APN: 167-061-032-000 (Riehl) from 52.0 acres to 48.53 acres and increasing APN: 167-061-033-000 (Mohsin) from 245.51 acres to 249.0 acres. The project is located at 874, 884 and 870 River Road, Toro Area Plan.

A Lot Line Adjustment transferring 3.47 acres from Robert and Nancy Riehl's property (APN 167-061-032-000) to the Mohsin property (APN 167-061-033-000) came on for public hearing as part of the hearing on the application of Mohsin-Samoske-Riehl (PLN980516/) before the Monterey County Planning Commission on December 10, 2008, January 28, 2009 and March 11, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

I. FINDINGS

1. **FINDING:** **CONSISTENCY** – The Lot Line Adjustment (see **Attachment 1**), as conditioned (see **Attachment 2**), is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:** a) A Lot Line Adjustment is required as part of a purchase and sales agreement between Robert and Nancy Riehl's property (APN 167-061-032) and the Mohsin property (APN 167-061-033). The Lot Line Adjustment would transfer 3.47 acres from the Riehl property to the 245.51 acre Mohsin parcel increasing the size of the Mohsin parcel to 249 acres. The Lot Line Adjustment intends to create land holdings that conform to natural topographic features, bench land and dissecting arroyo or eroded gully dividing the property. The size of the parcels before the adjustment is as follows:
1. APN 167-061-033-000 is approximately 245.51 acres.
 2. APN 167-061-032-000 is approximately 52.0 acres.
- The size of the parcels after the adjustment would be as follows:
1. APN 167-061-033 would be approximately 249.0 acres.
 2. APN 167-061-032 would be approximately 48.53 acres.
- While the Lot Line Adjustment is part of the larger Mohsin-Samoske project (PLN980516), it is a separate action whose validity is independent of action on the larger project. The Lot Line Adjustment, as conditioned, conforms to the policies, requirements, and standards of

the Monterey County General Plan, as amended, Toro Area Plan, as amended, Toro Area Plan Inventory and Analysis, Monterey County Subdivision Ordinance (Title 19), and the Monterey County Zoning Ordinance (Title 21). No conflicts were found to exist applicable to the subject Lot Line Adjustment.

- b) The project planner conducted a site inspection on August 3, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
- c) The project, and changes thereto, has been referred to the Toro Land Use Advisory Committee (LUAC) on three occasions:
October 13, 1998: voted 3-1-1-0 opposing the proposed project.
July 8, 2002: voted 3-2 supporting a proposed change of the General Plan land use designation and rezoning from agricultural to low density residential designations.
November 10, 2008: voted 7-1 supporting the Lot Line Adjustment and 8-0 opposing the General Plan Amendment, Rezoning, and Combined Development Permit.
- d) The Subdivision Committee held a duly noticed public hearing on October 30, 2008 and recommended approval of the Lot Line Adjustment.
- e) The Planning Commission held duly noticed public hearings on the Lot Line Adjustment on December 10, 2008, January 28, 2009 and March 11, 2009. On January 28, 2009, the Planning Commission passed a motion of intent to recommend approval of the Lot Line Adjustment to the Board of Supervisors contingent upon the AAC's consideration and recommendation to the Planning Commission as to whether the AAC approves the applicant's revised 200 foot/50 foot buffer plan for the Samoske lot.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN980516.

2. **FINDING:** **SUBDIVISION ORDINANCE (TITLE 19)** – All of the findings found in Section 19.09.025.B of the Subdivision Ordinance can be made.

- EVIDENCE:**
- a) *The lot line adjustment is between two (or more) existing adjacent parcels.* The Lot line Adjustment is between two adjacent parcels of 50.0 acres (Riehl) and 239.7 acres (Mohsin). The Lot Line Adjustment will allow the transfer of 3.47 acres from Robert and Nancy Riehl's property (APN 167-061-032-000) to the Mohsin property (APN 167-061-033-000). Two legal lots of record exist at the time of lot line adjustment and two legal lots of record will exist after completion of the lot line adjustment. Staff review of the Assessor's Map Book for 1972 indicated that the two parcels were established at the time that state law required subdivision processing to create legal lots of record, and that they are therefore presumed to be legal lots of record..
 - b) *A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.* No additional parcels will be created by the Lot Line Adjustment. The proposal is an equal exchange of land between two existing adjacent parcels.

- c) *The parcels resulting from the lot line adjustment conforms to the County zoning and building ordinances. Each newly configured parcel will conform to the County zoning and building ordinances with regard to residential use, minimum lot size, density regulations.*

3. **FINDING:** .CEQA – The EIR prepared for the Mohsin-Samoske project (PLN980516) analyzed the environmental impacts associated with the Lot Line Adjustment.

EVIDENCE: On March 11, 2009, the Planning Commission adopted a resolution recommending that the Board of Supervisors certify the EIR for the project, approve a mitigation monitoring and reporting plan and adopt a statement of overriding considerations.

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

EVIDENCE: a) The project was reviewed by Planning, Water Resources Agency, Environmental Health, Public Works, and Salinas Rural Fire. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (see **Attachment 2**).

b) The two properties have existing residences and necessary facilities exist for the two parcels.

c) Preceding findings and supporting evidence.

5. **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.

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

b) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN980516

6. **FINDING:** **APPEALABILITY** - The decision on this lot line adjustment may be appealed to the Board of Supervisors.

EVIDENCE: Chapter 19.16 (Monterey County Subdivision Ordinance); Chapter 21.80 (Monterey County Zoning Ordinance).

DECISION

NOW, THEREFORE, based on the above findings and evidence, , the Planning Commission does hereby recommend that the Board of Supervisors approve a Lot Line Adjustment (see **Attachment 1**) transferring 3.47 acres from Robert and Nancy Riehl's property (APN 167-061-032) to the Mohsin property (APN 167-061-033), in general conformance with the sketch attached hereto as Exhibit 1 and incorporated herein by reference, and subject to the conditions attached hereto as **Attachment 2**.

PASSED AND ADOPTED this 11th day of March, 2009, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

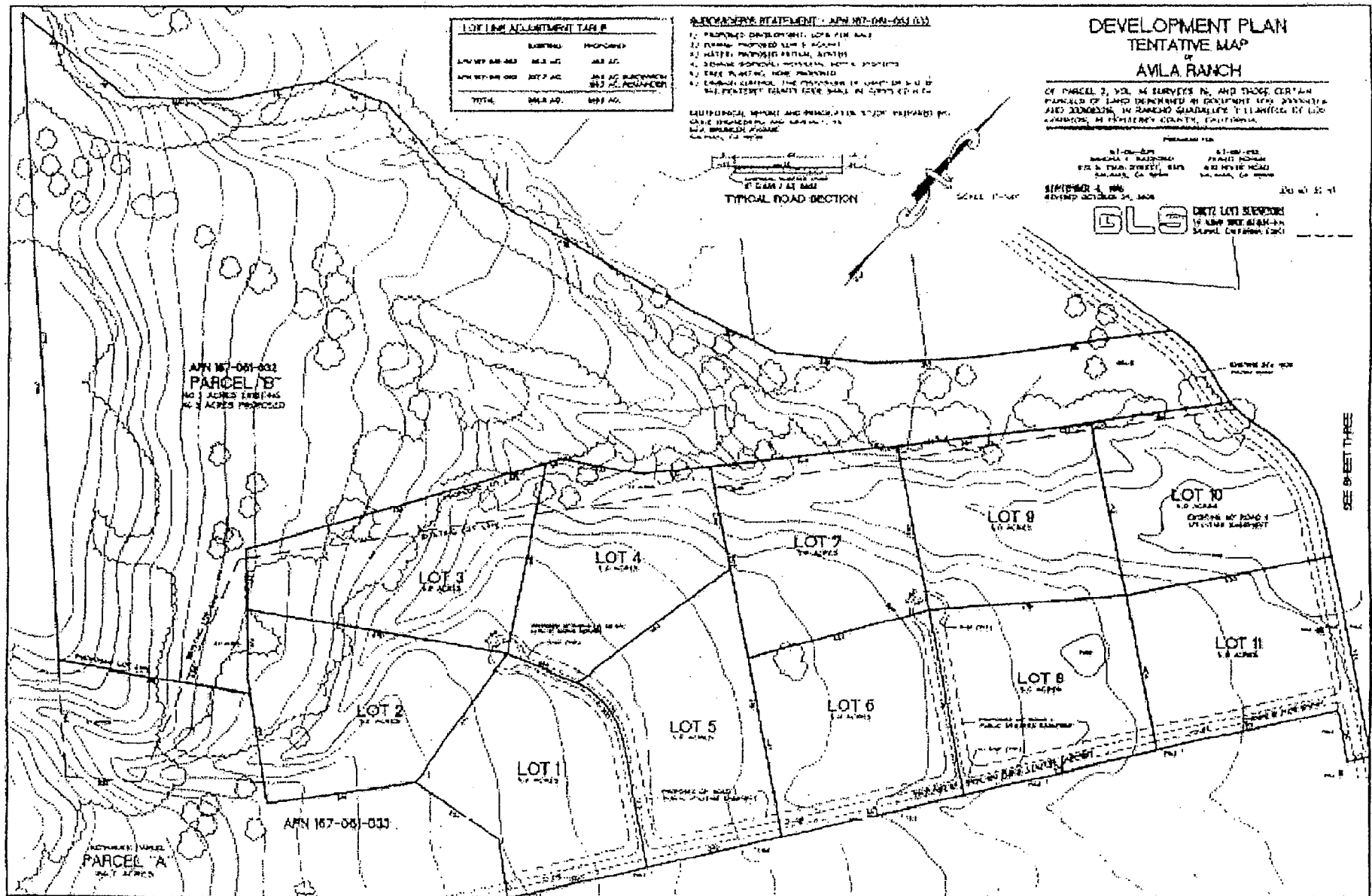
AYES:
NOES:
ABSENT:

By _____
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANTS ON:

Attachment 1 – Lot Line Adjustment Map
Attachment 2 – Conditions of Approval

ATTACHMENT 1



Don and Gay Avila (PLN980516)

ATTACHMENT 2 Monterey County Resources Management Agency Planning Department Condition Compliance Plan	Project Name: <u>Mused and Terry Mohsin and Robert and Nancy Riehl</u> File No: <u>PLN980516</u> APNs: <u>167-061-032-000 & 167-061-033-000</u> Approved by: <u>Planning Commission</u> Date: <u>March 11, 2009</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Lot Line Adjustment (PLN980516) allows the transfer of 3.47 acres from Robert and Nancy Riehl's property (APN 167-061-032-000) to the Mohsin property (APN 167-061-033-000). The property is located at 884 & 870 River Road. 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	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)
		<p>construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>				
2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Lot Line Adjustment (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Numbers 167-061-033-000 and 167-061-032 on _____. The permit was granted subject to 6 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. (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
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 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</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 final map, whichever occurs first and 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>
		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)				
4.		PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA – Planning Department)	The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A". The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates.	Owner/ Applicant/ Surveyor	Concurrent with recording the Record of Survey	
5.		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Survey	

<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>
6.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey	

EXHIBIT D
RECOMMENDED FINDINGS AND EVIDENCE
GENERAL PLAN AMENDMENT (PLN980516)

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

In the matter of the application of:

MOHSIN/SAMOSKE (PLN980516)

Resolution No. _____

Resolution of the Monterey County Planning Commission Recommending to the Monterey County Board of Supervisors to approve amendments to the General Plan and Toro Area Plan that:

1. Amend the Toro Area Plan to adopt Policy 30.1.1.2(T) to designate a Special Treatment Area ("STA") on the Mohsin and Samoske properties.
2. Amend the land use designation in the Toro Area Plan maps for 17-acres (APN 167-061-029-000/Samoske) to change the land use designations from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay
3. Amend the land use designations in the General Plan and Toro Area Plan maps for the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) to change the designation from Permanent Grazing/40 acre minimum to Low Density Residential with a STA Overlay on the entire 249 acres.
4. Designate 266 acres of land as a STA with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.

The property is located at 874, 884 and 870 River Road, Toro Area Plan.

The General Plan and Toro Area Plan Amendments (PLN980516) came on for public hearing before the Monterey County Planning Commission on December 10, 2008, January 28, 2009 and March 11, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors:

I. RECITALS

1. Section 65300 et. seq. of the California Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan"). On March 3, 1992, the Board of Supervisors adopted the Toro Area Plan as an amendment to the General Plan. The Area Plan "Land Use Plan" (Figure 10) provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
3. Pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan. Section 65358 of the California Code provides that any mandatory element of the General Plan shall be amended no more than four (4) times during any calendar year. The General Plan Amendments contained in this Resolution constitute the first amendment to the Monterey General Plan during 2009.
4. The current land use designations in the Toro Area Plan for the subject properties are:
 - a. APN: 167-061-029-000/Samoske (17 acres) Farmlands, 40 acre minimum (F/40).
 - b. APN: 167-061-033-000/Mohsin (249 acres). Permanent Grazing, 40 acre minimum (PG/40).Both are limited to a minimum of 40 acres, which when combined (266 acres) would allow up to six lots under this designation.
5. Section 65860(a) of the Government Code requires that zoning be consistent with the General Plan.
6. The County desires to create a Special Treatment Overlay on the above referenced 266 acres. The Special Treatment Area (STA) would be established by amending the Toro Area Plan to include a new Policy 30.1.1.2(T) that defines uses allowed under this STA as follows:

Special Treatment Area: Mohsin/Samoske - Approximately 266 acres located east of River Road and north of Chualar River Road shall be designated as a "Special Treatment Area" to permit a planned development including:

 - a. Development shall be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development.
 - b. No more than 13 new residential lots may be created and shall be clustered on the lower 72 acres of land closest to River Road. The lots shall be a minimum of 5 acres.
 - c. Agricultural buffers shall be established where applicable taking into account conditions such as the type of adjacent agriculture use, topography, and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. An Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, shall be required for any proposed subdivision within the STA.
 - d. Development of the residential properties shall be required to comply with visual sensitivity policies of the Toro Area Plan.
 - e. The upper 194 acres shall remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where

slopes exceed 30%.

- f. Any subdivision within the STA must comply with the inclusionary housing ordinance in effect as of 1998.

Neither an infrastructure study nor a rural center plan is required for the development of the Mohsin-Samoske STA.

7. The STA would establish specific land use limits at the General Plan level. The intent of this language is to limit subdivision to only the lower 72 acres and retain the upper 194 acres as permanent grazing. There could be no further subdivision within the STA without a GP Amendment to this STA language.
8. The County further proposes to amend land use maps in the General Plan/Toro Area Plan 1 as follows:
 - A. Change 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay (see Attachment 1);
 - B. Bacchante 55 acres on the lower portion of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum to Low Density Residential and apply a STA Overlay on the entire 249 acres (see Attachment 1);
 - C. Designate the entire 266 acres of land as a STA (see **Attachment 1**) with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.
9. The proposed General Plan Amendments are consistent with the General Plan and the Toro Area Plan as set forth in Chapter IV.G of the Recirculated Portion of the Draft EIR.
10. The project, and changes thereto, has been referred to the Toro Land Use Advisory Committee (LUAC) on three occasions:
 1. October 13, 1998: voted 3-1-1-0 opposing the proposed project.
 2. July 8, 2002: voted 3-2 supporting a proposed change of the General Plan land use designation and rezoning from agricultural to low density residential designations.

November 10, 2008: voted 7-1 supporting the Lot Line Adjustment and 8-0 opposing the General Plan Amendment, Rezoning, and Combined Development Permit.
11. On October 30, 2008, the Standard Subdivision Committee held a duly noticed public hearing and considered the Draft EIR and the Recirculated Portion of the Draft EIR with the Mitigation Monitoring and Reporting Program. The Committee voted 5-1-0 to recommend that the Planning Commission adopt Findings and Evidence approving the project subject to conditions of approval.
12. The proposed project was presented to the Agricultural Advisory Committee (AAC) to address agriculturally related issues such as agricultural buffers and conversion of agricultural lands. The AAC held a hearing on December 4, 2008 and continued the matter to January 22, 2009 following a site visit on December 11, 2008. On January 22, 2009, the AAC took the following actions:
 1. Agricultural Viability Report: The AAC noted that the report concluded that the viability for the project was an "8" for the lower (Samoske) property and a "6" for the Mohsin property, and that this is based on science by a reputable consultant. These rating are out of a possible 30 with higher numbers being better suited for farming. Having also visited the site, the AAC acknowledged that the lands could be used for grapes and grazing, but not for row crops. The AAC voted 9-0 finding that the Ag Viability Report is adequate.
 2. Conversion of Agricultural Lands: Public testimony raised issue for potential impact on nearby Williamson Act lands and growth pressure in general to continue

conversion of Ag lands in this area. The proposed project is designed with 5-acre lots that could allow limited agriculturally-related uses such as limited equestrian/livestock or small vineyards. This is consistent with the existing 5-acre lots abutting the 55-acre portion of the Mohsin property. In addition, approximately 200 acres would remain PG with $\frac{3}{4}$ (150 acres) of that land being placed in a permanent agricultural conservation easement. The AAC voted 8-1 to support the proposed conversion as designed.

3. Agricultural Buffers: The AAC had generally supported honoring the 200 foot standard. However, the Committee recognized that different conditions warrant reducing the required set back:

- a. *Mohsin Property*: To the north, there is a ravine that provides a natural buffer from Riehl property (PG/40). Part of this property abuts existing residential 5-acre properties and vineyards are located south of the site (Knott property). On a 7-2 vote, the AAC found that based on the topography, climate (e.g. prevailing wind), and surrounding conditions, the proposed 100 foot buffers were adequate. The AAC further recommended that building envelopes be situated toward the north (e.g. toward the existing 5-acre parcels) to effectively create a larger buffer from the vineyards to the south.

Samoske Property: The AAC raised concern on reducing this set back matter due to active major Ag operations located to the north (Pedrazzi property). On a 7-2 vote, the AAC recommended denial of the proposed 75-foot buffers/mitigation. Upon further discussion, they felt that a full 200 feet was required from the Pedrazzi property due to the active cattle operation there.

13. A revised 200 foot/50 foot buffer plan and agricultural viability assessment memorandum from the Deputy Agricultural Commissioner were presented to the AAC on February 26, 2009. The AAC voted 5-3 to recommend approval of the revised buffer plan and voted 8-0 to reaffirm their action regarding the agricultural viability of the parcels. That action determined that the parcels could generally be considered suitable for vineyards/orchard and grazing but not row crops.
14. On December 10, 2008, January 28, 2009 and March 11, 2009 the Planning Commission held duly noticed public hearings on the project. On January 28, 2009, the Planning Commission passed a motion of intent to recommend approval of the project to the Board of Supervisors contingent upon the AAC's consideration and recommendation to the Planning Commission as to whether the AAC approves the applicant's revised 200 foot/50 foot buffer plan for the Samoske lot.
15. On March 11, 2009, the Planning Commission considered the final EIR on the project and adopted Resolution ##### recommending that the Board of Supervisors certify the EIR for the project, approve a mitigation monitoring and reporting plan and adopt a statement of overriding considerations.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and also subject certification of environmental impact report #06-01 (Resolution ###), the Planning Commission does hereby recommend that the Board of Supervisors take the following actions:

1. Amend the Toro Area Plan to adopt new Policy 30.1.1.2(T) to provide as follows:
"The County desires to create a Special Treatment Overlay on the above referenced 266 acres. The Special Treatment Area (STA) would be established by amending the Toro Area Plan to include a new Policy 30.1.1.2(T) that defines uses allowed under this STA as follows:

Special Treatment Area: Mohsin/Samoske - Approximately 266 acres located east of River Road and north of Chualar River Road shall be designated as a "Special Treatment Area" to permit a planned development including:
Development shall be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development.

- i. No more than 13 new residential lots may be created and shall be clustered on the lower 72 acres of land closest to River Road. The lots shall be a minimum of 5 acres.
- ii. Agricultural buffers shall be established where applicable taking into account conditions such as the type of adjacent agriculture use, topography, and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. An Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, shall be required for any proposed subdivision within the STA.
- iii. Development of the residential properties shall be required to comply with visual sensitivity policies of the Toro Area Plan.
- iv. The upper 194 acres shall remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where slopes exceed 30%.
- v. Any subdivision within the STA must comply with the inclusionary housing ordinance in effect as of 1998.

Neither an infrastructure study nor a rural center plan is required for the development of the Mohsin-Samoske STA."

2. Approve amendments to the Land Use Map (Figure 10) in the Toro Area Plan for 266 acres of property located at 874, 884 and 870 River Road as follows and as further shown on Exhibit 1 attached hereto and incorporated herein by reference:
 - a. Amend the land use designation for 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay
 - b. Amend the land use designation for the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum to Low Density Residential with a STA Overlay on the entire 249 acres.
 - c. Designate 266 acres of land as a STA with reference to Policy 30.1.1.2(T), a new Toro Area Plan policy.

PASSED AND ADOPTED this 11th day of March, 2009, upon motion of Commissioner _____,
seconded by Commissioner _____, by the following vote, to-wit:

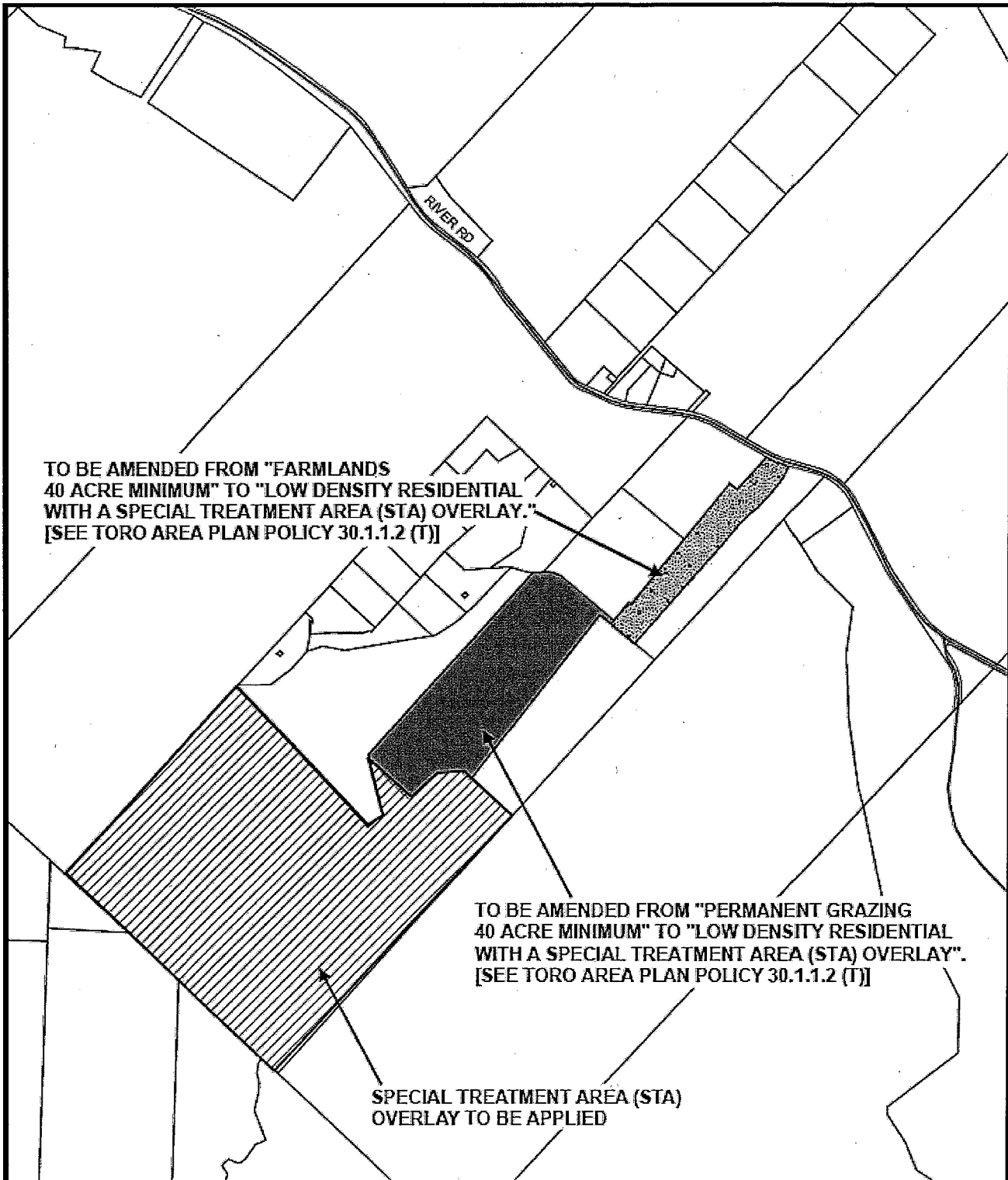
AYES:
NOES:
ABSENT:

By _____
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANTS ON:

Attachment 1: General Plan Amendment Map

ATTACHMENT 1



GENERAL PLAN AMENDMENT, TORO AREA

APN: 167-061-033-000 & 167-061-029-000

FILE # PLN980516

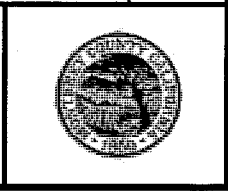
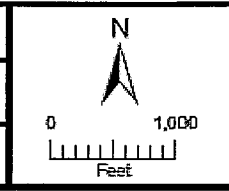


EXHIBIT E
RECOMMENDED FINDINGS AND EVIDENCE
ZONE CHANGE (PLN980516)

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

In the matter of the application of:

MOHSIN/SAMOSKE (PLN980516)

Resolution No. _____

Resolution of the Monterey County Planning Commission Recommending to the Monterey County Board of Supervisors to approve amendments to Zoning District maps as follows:

1. Section 21-19: Change the zoning of a 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS
2. Section 21-19: Change 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.

The property is located at 874, 884 and 870 River Road, Toro Area Plan.

A proposed ordinance (see **Attachment 1**) to amend the zoning of the referenced parcels (PLN980516) came on for public hearing before the Monterey County Planning Commission on December 10, 2008, January 28, 2009 and March 11, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors:

I. FINDINGS

1. Current zoning for the properties are F/40 (APN167-061-029-000/Samoske) and PG/40-D (APN 167-061-033-000/Mohsin). The proposed project includes a Zone Change that would: a) change the underlying zoning designation of 17 acre parcel (APN167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and b) change the underlying zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40 (see **Attachment 2**).
2. Parcels are proposed that do not exceed a maximum gross density of 5 acres/unit. Furthermore, no residential development is proposed at this time. Future residential development is subject to project specific review.
3. The project, and changes thereto, has been referred to the Toro Land Use Advisory Committee (LUAC) on three occasions:
 - a. October 13, 1998: voted 3-1-1-0 opposing the proposed project.
 - b. July 8, 2002: voted 3-2 supporting a proposed change of the General Plan land use designation and rezoning from agricultural to low density residential designations.

- c. November 10, 2008: voted 7-1 supporting the Lot Line Adjustment and 8-0 opposing the General Plan Amendment, Rezoning, and Combined Development Permit.
4. On October 30, 2008, the Standard Subdivision Committee held a duly noticed public hearing and considered the Draft EIR and the Recirculated Portion of the Draft EIR with the Mitigation Monitoring and Reporting Program. The Committee voted 5-1-0 to recommend that the Planning Commission adopt Findings and Evidence approving the Lot Line Adjustment subject to conditions of approval.
5. The proposed project was presented to the Agricultural Advisory Committee (AAC) to address agriculturally related issues such as agricultural buffers and conversion of agricultural lands. The AAC held a hearing on December 4, 2008 and continued the matter to January 22, 2009 following a site visit on December 11, 2008. On January 22, 2009, the AAC took the following actions:
- a. Agricultural Viability Report: The AAC noted that the report concluded that the viability for the project was an "8" for the lower (Samoske) property and a "6" for the Mohsin property, and that this is based on science by a reputable consultant. These ratings are out of a possible 30 with higher numbers being better suited for farming. Having also visited the site, the AAC acknowledged that the lands could be used for grapes and grazing, but not for row crops. The AAC voted 9-0 finding that the Ag Viability Report is adequate.
 - b. Conversion of Agricultural Lands: Public testimony raised issue for potential impact on nearby Williamson Act lands and growth pressure in general to continue conversion of Ag lands in this area. The proposed project is designed with 5-acre lots that could allow limited agriculturally-related uses such as limited equestrian/livestock or small vineyards. This is consistent with the existing 5-acre lots abutting the 55-acre portion of the Mohsin property. In addition, approximately 200 acres would remain PG with $\frac{3}{4}$ (150 acres) of that land being placed in a permanent agricultural conservation easement. The AAC voted 8-1 to support the proposed conversion as designed.
 - c. Agricultural Buffers: The AAC had generally supported honoring the 200 foot standard. However, the Committee recognized that different conditions warrant reducing the required set back:
 - Mohsin Property*: To the north, there is a ravine that provides a natural buffer from Riehl property (PG/40). Part of this property abuts existing residential 5-acre properties and vineyards are located south of the site (Knott property). On a 7-2 vote, the AAC found that based on the topography, climate (e.g. prevailing wind), and surrounding conditions, the proposed 100 foot buffers were adequate. The AAC further recommended that building envelopes be situated toward the north (e.g. toward the existing 5-acre parcels) to effectively create a larger buffer from the vineyards to the south.
 - Samoske Property*: The AAC raised concern on reducing this set back matter due to active major Ag operations located to the north (Pedrazzi property). On a 7-2 vote, the AAC recommended denial of the proposed 75-foot buffers/mitigation. Upon further discussion, they felt that a full 200 feet was required from the Pedrazzi property due to the active cattle operation there.
6. A revised 200 foot/50 foot buffer plan and agricultural viability assessment memorandum from the Deputy Agricultural Commissioner was presented to the AAC on February 26,

2009. The AAC voted 5-3 to recommend approval of the revised buffer plan and voted 8-0 to reaffirm their action regarding the agricultural viability of the parcels. That action determined that the parcels could generally be considered suitable for vineyards/orchard and grazing but not row crops.

7. On December 10, 2008, January 28, 2009 and March 11, 2009 the Planning Commission held duly noticed public hearings on the project. On January 28, 2009, the Planning Commission passed a motion of intent to recommend approval of the project to the Board of Supervisors contingent upon the AAC's consideration and recommendation to the Planning Commission as to whether the AAC approves the applicant's revised 200 foot/50 foot buffer plan for the Samoske lot.
8. On March 11, 2009, the Planning Commission adopted Resolution ##### recommending that the Board of Supervisors certify the EIR for the project, approve a mitigation monitoring and reporting plan and adopt a statement of overriding considerations.
9. On March 11, 2009, the Planning Commission adopted Resolution ### recommending that the Board of Supervisors amend the Monterey County General Plan/Toro Area Plan to designate 266 acres of land from Farmlands (Samoske, 17 acres) and Permanent Grazing (Mohsin, 249 acres) as a Special Treatment Area ("STA") and adopt Policy 30.1.1.2(T), a new Toro Area Plan policy that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with agricultural buffers and the upper 249 acres would remain Permanent Grazing.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and also subject certification of environmental impact report #06-01 (Resolution ###) and approval of a general plan amendment to create a Special Treatment Area (Resolution ###) and amend the land use designations in the Toro Area Plan, the Planning Commission does hereby recommend that the Board of Supervisors adopt the ordinance attached hereto as Attachment 1 and incorporated herein by reference to amend the sectional district maps of Section 21.08.060 of Title 21 (zoning) of the Monterey County Code as follows:

- 1) Section 21-19: Change the zoning of a 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and
- 2) Section 21-19: Change 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.

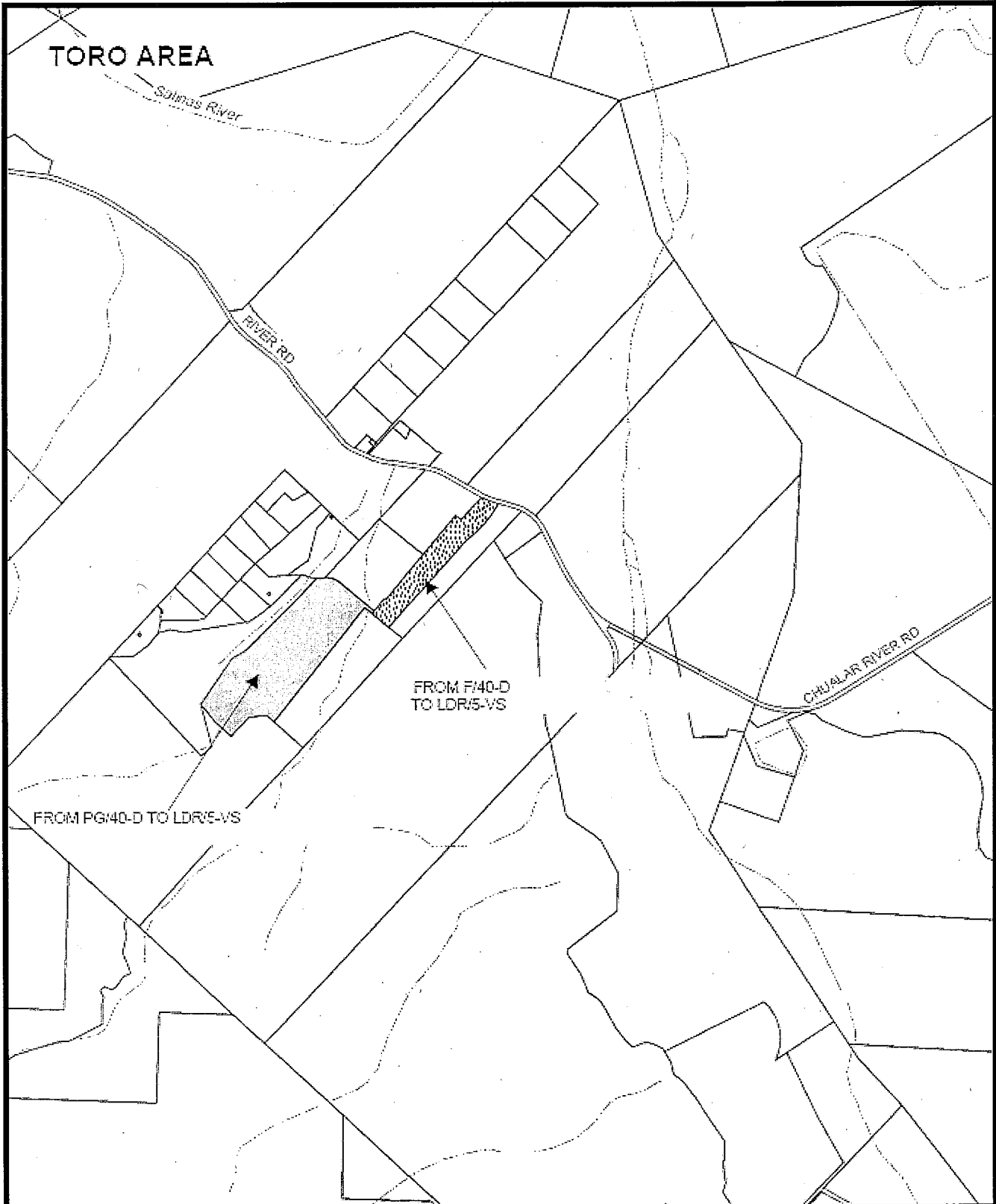
PASSED AND ADOPTED this 11th day of March, 2009, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

By _____
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANTS ON:

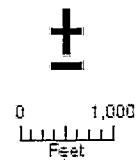
Attachment 1: Draft Ordinance
Attachment 2: Rezoning Map



PROPOSED REZONING, TORO AREA

APNS: 167-061-029-000, 167-061-032-000 & 167-061-033-000

FILE # PLN980516



ATTACHMENT 1

(PROPOSED)
ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 21.08.060 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO CHANGE THE ZONING OF A 17 ACRE PARCEL (APN 167-061-029-000/SAMOSKE) AND A PORTION OF A 249 ACRE PARCEL (APN 167-061-033-000/MOHSIN)

County Counsel Summary

This ordinance amends Section 19 of Section 21.08.060 of Title 21 (Zoning) to change the zoning designation of a 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS and to change the zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS, with 194 acres to remain PG/40.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 19 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended to change the underlying zoning designation of a 17 acre parcel (APN167-061-029-000/Samoske) from Farmlands/40 Design Control District (F/40-D) to Low Density Residential/5-Visual Sensitivity District (LDR/5-VS) and to change the underlying zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40- Design Control District (PG/40-D) to Low Density Residential/5-Visual Sensitivity District (LDR/5-VS), with 194 acres to remain Permanent Grazing/40 (PG/40-D), as shown on the map attached hereto as Attachment A and incorporated herein by reference.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED this ___ day of ___ 2009 by the following vote:

AYES: Supervisors

NOES:

ABSENT:

ABSTAIN:

Lou Calcagno, Chair
Monterey County Board of Supervisors

A T T E S T :
Gail T. Borkowski
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel

ATTACHMENT A

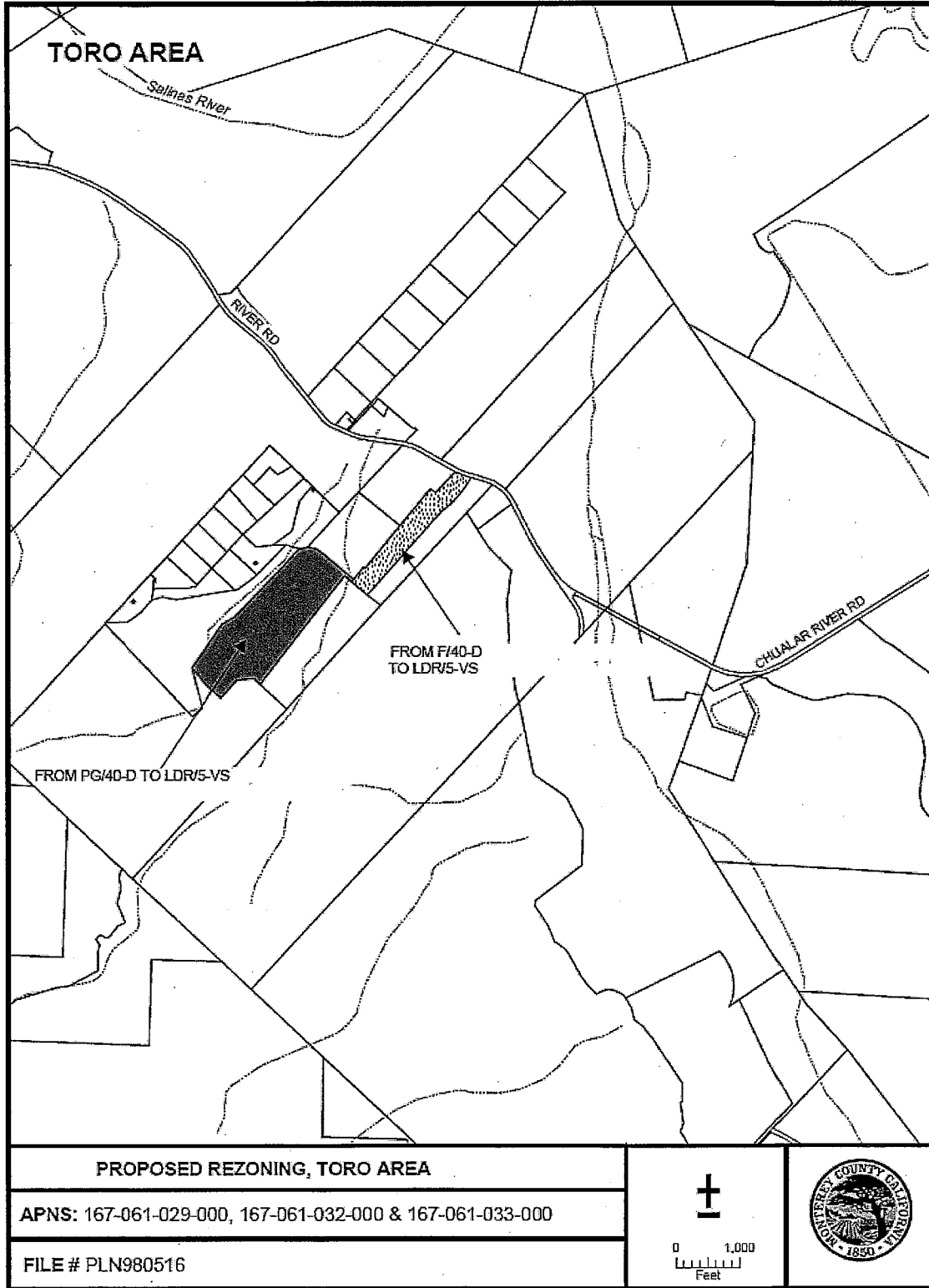


EXHIBIT F
RECOMMENDED RESOLUTION
COMBINED DEVELOPMENT PERMIT (PLN980516)

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

In the matter of the application of:
MOHSIN/SAMOSKE (PLN980516)

Resolution No. _____

Resolution of the Monterey County Planning Commission recommending to the Monterey County Board of Supervisors to approve a Combined Development Permit including a Standard Subdivision to subdivide:

- A. A 17-acre parcel (APN 167-061-029-000/Samoske) into three parcels consisting of 7.0 acres (Parcel A), 5.0 acres (Parcel B), and 5 acres (Parcel C); and
- B. A 249-acre parcel (APN 167-061-033-000/Mohsin) into 11, 5-acre parcels (LDR/5) plus one remainder parcel totaling 194 acres (PG/40)

The properties are located at 874, 884 and 870 River Road, (APN: 167-061-029-000, 167-061-033-000, and 167-061-032-000), Toro Area Plan.

A Combined Development Permit (PLN980516) came on for public hearing before the Monterey County Planning Commission on December 10, 2008, January 28, 2009 and March 11, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors:

FINDINGS

- 1. **FINDING:** **CONSISTENCY** – The Project (see Attachment 1), as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) The text, policies, and regulations in the Monterey County General Plan ,Toro Area Plan, Toro Area Plan Inventory and Analysis, Monterey County Subdivision Ordinance (Title 19), and the Monterey County Zoning Ordinance (Title 21) have

been evaluated during the course of review of applications. To ensure that the project is consistent with the General Plan, Toro Area Plan, and zoning, amendments have been proposed to the General Plan, Toro Area Plan, and zoning. The Planning Commission has made recommendations on these proposed amendments prior to recommending approval of this Combined Development Permit.

- b) The project involves three parcels located along the foothills west of River Road north of Chualar River Road:
 - APN: 167-061-029-000/Samoske - 17-acre parcel designated Farmland, 40 acre minimum (F/40)
 - APN: 167-061-033-000/Mohsin - 249-acre parcel designated Permanent Grazing, 40 acre minimum (PG/40).
 - APN: 167-061-032-000/Riehl - 52 parcel designated Permanent Grazing, 40 acre minimum (PG/40).
- c) Pursuant to Section 21.66.010(D) of the Monterey County Zoning Ordinance, no ridgeline development would occur as a result of the proposed project. The proposed zone change will include a visually sensitive "VS" overlay on the residential lots that will require proposed development to meet the county visual resource guidelines. No development is proposed at this time.
- d) As designed, the proposed project would not impact any slopes that are 30% or greater.
- e) The project planner conducted a site inspection on August 6, 2006 to verify that the project on the subject parcel conforms to the plans listed above as proposed to be amended.
- f) On February 15, 2005, the Monterey County Board of Supervisors adopted resolution 05-024 and 05-071 finding that the proposed project was consistent with General Plan and Toro Area Plan policies. As a result of ensuing litigation on the project, the Board of Supervisors set aside these resolutions; however, in the litigation, the court did not rule on the consistency issue. As stated in the prior resolutions, the project is consistent with the General Plan growth policies because, among other reasons, the proposed project clusters low density development around an existing nucleus of previously developed parcels. To further clarify the uses and limitations of uses on the property, the County has since proposed an additional Toro Area Policy to establish a Special Treatment Area. The project is consistent with the General Plan and Toro Area Plan as proposed to be amended concurrent with the action on the Combined Development Permit.
- g) The proposed project is consistent with the following General Plan policies:
 1. **Policy 26.1.2 - The County shall discourage premature and scattered development.** The proposed project includes

the adoption of Policy 30.1.1.2 as part of the Toro Area Plan, which designates the proposed project site as a Special Treatment Area (STA). Clustered, low density residential development is consistent with the proposed STA and with surrounding 5-acre lots. Therefore, the proposed project is consistent with Policy 26.1.2 of the General Plan.

2. **Policy 26.1.4 - The County shall designate growth areas only where there is provision for adequate levels of service and facilities such as water, sewage, fire and police protection, transportation, and schools. Phasing of development shall be required as necessary in growth areas in order to provide a basis for long-range services and facilities planning.** Public facilities and services required for new residential development are based on population generated by the development and include parks, police services, fire services, and school facilities. The service providers for these services review the project for compliance with their existing and future requirements and are ultimately responsible for the provision of such services. While the proposed project is being proposed in an area that is surrounded primarily by land used for agricultural purposes, the proposed project site is currently served by public services, utilities, and roads; the need for new services for the proposed subdivision is not anticipated to cause significant impacts to service providers (see Chapter IV.I, Public Services; Chapter IV.K, Utilities and Service Systems; and Chapter IV.J, Traffic and Transportation). The proposed project is, therefore, consistent with General Plan Policy 26.1.4.
3. **Policy 26.1.14 - The County shall encourage that development be annexed to existing cities where annexation will facilitate the logical and economical provision of services, if annexation is feasible.** Policy 26.1.14 is not directly applicable to the proposed project. The proposed project is not adjacent to an existing city (the City of Salinas is 12 mi away). Therefore it is neither logical nor economical to consider annexing the proposed project; annexation would create a fracture of incorporated and unincorporated designated property and could cause inconsistencies with the adopted policies applicable to the General Plan and the Toro Area.
4. **Policy 26.1.15 - Only very low density development shall be allowed outside of urban service areas, areas of development concentration designated in accordance with the County's adopted Growth Management Policy, and outside of the County's existing unincorporated**

communities. The proposed project is consistent with its growth policies because the proposed project clusters low density development around an existing nucleus of previously developed parcels. Providing services to the existing parcels and new parcels is facilitated by their location in an area that is near the Chualar River Road and has access to both Highway 101 and Highway 68 via River Road. In addition, the proposed project includes the adoption of Policy 30.1.1.2 as part of the Toro Area Plan, which designates the proposed project site as a STA. Clustered, low density residential development is consistent with the proposed STA. Therefore, the proposed project is consistent with Policy 26.1.15 of the General Plan.

5. **Policy 27.1.1 - Sufficient areas for residential use shall be designated consistent with the County's growth policies and projections.** The purpose of Policy 27.1.1 is to ensure that the County has set aside sufficient area to accommodate projected growth for different income categories. The accommodation for higher density housing has occurred in other parts of the county, but does not preclude additional housing units at lower densities in other areas. In addition, the proposed project includes the adoption of Policy 30.1.1.2 as part of the Toro Area Plan, which designates the proposed project site as a STA. Low density residential development is consistent with the proposed STA. Therefore, the proposed project is consistent with Policy 27.1.1.
6. **Policy 27.1.2 - The County shall limit residential development in areas that are unsuited for more intensive development due to the presence of physical hazards and development constraints, the necessity to protect natural resources, and/or the lack of public services and facilities.** The environmental analysis of the proposed project (see Chapters IV.A through IV.L) did not identify any potential physical hazards associated with the proposed project or the site of the proposed project other than those common to all parts of Monterey County, such as seismic hazards. For example: (1) The Geotechnical Soils-Foundation and Geologic Hazards Report concluded that the project was suitable for construction of single-family dwellings, subject to common earthquake-resistant construction techniques as referenced in the report; (2) the Hydrogeologic Report determined that the specific yield of the aquifer would not be exceeded by the project; and (3) the analyses of public services, utilities, and service systems did not identify the lack of any public services or facilities associated with the proposed project. Therefore, the proposed project is

consistent with Policy 27.1.2.

7. **Policy 27.1.3 - Residential development should be concentrated in growth areas.** Policy 27.1.3 indicates that higher density development should be centered around growth areas as designated in the General Plan. However, Policy 27.1.3 does not preclude lower density development outside of the designated growth areas. Under the 1982 General Plan, the county has residential enclaves around the county that are supplemental to the concentrated and planned high density growth areas. For example, portions of the River Road corridor are designated for residential growth, but are not considered to be located in “growth areas”. The proposed project will expand the residential area that is adjacent to the project site, which is part of the River Road corridor. In addition, the proposed project includes the adoption of Policy 30.1.1.2 as part of the Toro Area Plan, which designates the proposed project site as a STA. Low density residential development is consistent with the proposed STA. Therefore, the proposed project is consistent with Policy 27.1.3.
8. **Policy 27.2.1 - Residential areas shall be located with convenient access to employment, shopping, recreation, and transportation.** The project area is approximately 12 miles from Salinas, the nearest urban center. However, the distance between the proposed project and access to employment, shopping, recreation and transportation is not unique in that many of the residents who live in the Toro Area either work in Salinas or the Monterey Peninsula. The Monterey Peninsula is approximately 20 mi from the project site. Furthermore, employment in the Toro Area occurs throughout the Area and not just in urban centers. In designating the residential areas in the Toro Plan, the Board of Supervisors found that the residential areas were consistent with the General Plan and Toro Area Plan policies. Therefore, the proposed project is consistent with Policy 27.2.1.
9. **Policy 30.0.3 - The County shall allow division of viable farmland designated as prime, of statewide importance, unique, or of local importance only for exclusive agricultural purposes when demonstrated not to be detrimental to the agricultural viability of adjoining parcels.** The proposed project would be located on lands that, according to the most recent map (2004) prepared by the California Department of Conservation’s Farmlands Mapping and Monitoring Program, are classified as “Other Lands” and “Grazing Lands” (see the Project Impacts discussion in Chapter IV.B, Agricultural Resources). The

proposed project area does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Therefore, the proposed project would not result in the division of viable farmland that is designated as prime, unique, or of State or local importance. Furthermore, low-density rural development is considered a typical use for land that is categorized as "Other Land." On February 26, 2009, the AAC voted 8-0 to reaffirm their action regarding the agricultural viability of the parcels. That action determined that the parcels could generally be considered suitable for vineyards/orchard and grazing but not row crops. Therefore, the proposed project is consistent with Policy 30.0.3.

10. **Policy 30.0.4 - The County shall make every effort to preserve, enhance, and expand viable agricultural land uses on farmland designated as prime, of statewide importance, unique, or of local importance through application of the "agricultural" land use designation and encouragement of large-lot agricultural zoning.** The proposed project would be located on lands that, according to the most recent map (2004) prepared by the California Department of Conservation's Farmlands Mapping and Monitoring Program, are classified as "Other Lands" and "Grazing Lands." The proposed project area does not contain any Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Implementation of the proposed project would not convert Prime or Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance to non-agricultural uses. Furthermore, while the lands proposed for development are zoned for agricultural purposes, according to the Agricultural Suitability and Land Capability Assessment prepared for the proposed project, the property has a low suitability for farming use. On February 26, 2009, the AAC voted 8-0 to reaffirm their action regarding the agricultural viability of the parcels. That action determined that the parcels could generally be considered suitable for vineyards/orchard and grazing but not row crops. Therefore, implementation of the proposed project would not have a significant impact on the County's goal of preserving, enhancing, and expanding viable agricultural land uses on farmland designated as prime, of statewide-importance, unique, or of local importance. Therefore, the proposed project is consistent with Policy 30.0.4.

h) The proposed project is consistent with the following Toro Area Plan policies:

1. **To preserve the essential rural quality of life.**

Development will be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development. No more than 13 new residential lots may be created and shall be clustered on the lower 72 acres of land closest to River Road. The lots shall be a minimum of 5 acres. Under the proposed Special Treatment Area policy to be added to the Toro Area Plan, agricultural buffers shall be established where applicable taking into account conditions such as the type of adjacent agriculture use, topography, and climate with the intent to protect agricultural operations from impacts of non-agricultural uses. An Agricultural Buffer Plan, to be approved by the Agricultural Commissioner, shall be required for any proposed subdivision within the Special Treatment Area. A revised 200 foot/50 foot buffer plan was presented to the AAC on February 26, 2009. The AAC voted 5-3 to recommend approval of the revised buffer.

Development of the residential properties shall be required to comply with visual sensitivity policies of the Toro Area Plan. The upper 194 acres shall remain as permanent grazing with a habitat and scenic conservation easement over at least 150 acres, including areas where slopes exceed 30%. Therefore, the proposed project is consistent with this goal.

2. **To preserve important visual elements that give the Toro Area its identity.**

The proposed land-use change from agriculture to low-density residential could have an adverse impact on the scenic quality of the River Road corridor, including views from US 101 and Chualar River Road by dividing the open agricultural areas into a suburban pattern of development with 5-acre (ac) residential lots (LDR/5) served by paved roads and cul-de-sacs. The resulting residential uses have the potential to further break up and degrade the existing pastoral vista by the use of property line fences, the introduction of nonnative plant species, and outdoor storage areas. To mitigate potential visual impacts, all property proposed for the LDR/5 zoning designation would also be rezoned to the Visual Sensitivity Zoning District. The Visual Sensitivity Zone designation means that if development were proposed, the development would need to be designed so that it would not adversely affect the natural scenic beauty because, to approve development in a VS district, the County must find that the proposed development would not adversely affect the natural scenic beauty of the area (See Title 21, Chapter 21.46). With strict adherence to the regulations provided in Chapter 21.46 of the

Monterey Zoning Ordinance, which are geared towards protecting the scenic resources of Monterey County, the proposed project would not have a substantial adverse impact on scenic vistas. Therefore, the proposed project is consistent with this goal.

3. **Native trees, ridgeline, frontal slopes, and scenic road corridors are especially critical.** Approximately 27 percent of the project site would be developed with up to 13 single-family homes. [or 14, counting the home there now?] The homesites would be developed on the lowest elevations of the project site with the majority of the property at higher elevations protected by a scenic easement. Because the area proposed for development is lower in elevation and less visible than the surrounding hills and the open hillsides would be retained as open space, the construction of homes on the project site would not significantly block existing distant views and vistas. The Monterey County General Plan currently allows a primary single-family residence to be built up to 30 ft in height and an accessory structure to be built up to 15 ft in height. The proposed project would therefore be visible from nearby public roads, such as US 101 and River Road, and would have an adverse impact on scenic views and vistas from these public roads; however, though the use of the Visual Sensitivity Zoning designation to ensure that homesites are sensitive to the surrounding natural and scenic environment, the proposed project would have a less than significant effect on scenic views and vistas. The proposed project would not affect significant visual resources in the proposed project area such as rock outcroppings or historic buildings; therefore, impacts to significant visual resources would be less than significant and the proposed project is not inconsistent with this goal.
4. **Road improvements should enhance scenic corridors and promote pedestrian circulation and safety.** The road improvements would be developed on the lowest elevations of the project site and the majority of the property at higher elevations protected by a scenic easement. A mitigation measure would require the removal or trimming of brush at the project driveway off River Road which will increase the sight distance and promote pedestrian safety. Therefore, the proposed project is consistent with this goal.
5. **Where relatively large undeveloped areas still predominate, the plan does not encourage higher density growth.** Development will be limited to the creation of a clustered, rural density, residential subdivision consistent with the surrounding residential development. The majority

of the property at higher elevations protected by a scenic easement. Therefore, the proposed project is consistent with this goal.

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, Sheriff, Parks Department, Public Works, Environmental Health Division, Water Resources Agency, Housing & Redevelopment and Agricultural Commissioner. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated as conditions of project approval.
 - b) Monterey County Geographic Information System which shows that the property is outside of any 100 year flood zone as mapped by the Federal Emergency Management Agency (FEMA).
 - c) Technical reports by consultants and subject matter experts indicate 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:
 - Agricultural Suitability and Land Capability Assessment, Avila, Pisoni and Samoske Properties, Rush, Macroft and Associates, 1997-1998.
 - Memorandum from Bob Roach, Agricultural Commissioner's Office regarding the Agricultural Suitability and Land Capability Assessment dated February 12, 2009.
 - Geotechnical Soils-Foundation and Geologic Hazards Report for the Avila, Pisoni and Samoske Subdivisions, Grice Engineering, Inc., June 1998.
 - Stormwater and Ground Water Impacts for the Avila, Pisoni and Samoske Subdivisions, Grice Engineering Inc., June 1998.
 - Project Application File PLN980516 slope density map.
 - An archeological survey entitled "Preliminary Archaeological Reconnaissance of Assessor's Parcel Number 167-061-025 and 167-061-029 River Road,

- Monterey County, California by Mary Doane and Trudy Haversat, SOPA, June 18, 1997 which found that no archaeological resources existed on this site.
- d) Staff conducted a site visit on August 6, 2006 to verify that the site is suitable for this use.
 - 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 PLN980516.

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

- EVIDENCE:**
- a) The project has been reviewed by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Sheriff, Parks Department, Public Works, Environmental Health Division, Water Resources Agency, Housing & Redevelopment and Agricultural Commissioner. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Preceding findings and supporting evidence for PLN980516.

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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
 - b) Staff conducted numerous site visits to verify that there are no violations on the subject parcel.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN980516.

5. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable

- general plan, area plan, coastal land use plan or specific plan.
2. That the design or improvement of the proposed subdivision is not consistent with general plan, area plan, coastal land use plan or specific plan.
 3. That the site is not physically suitable for the type of development.
 4. That the site is not physically suitable for the proposed density of development.
 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

None of the above findings are proposed to be made, for the reasons set out below.

- EVIDENCE:**
- a) Lots, building sites and improvements have been designed to meet the standards and requirements of the Subdivision Ordinance (Title 19).
 - b) The project is consistent with the Lot Design Standards of Section 19.10.030. The design and improvement of the subdivision complies with applicable provisions of the Subdivision Ordinance (Title 19), Zoning Ordinance, General Plan, as amended and Toro Area Plan, as amended.
 - c) **The proposed tentative map is consistent with the applicable general plan, area plan, coastal land use plan or specific plan.** The application includes a proposed amendment to the General Plan and Toro Area land use plan Figures 13a and 10 and a new Toro Area Plan policy to establish a Special Treatment area. With these amendments, the proposed subdivision is consistent with the General Plan and area plan.. The proposed subdivision and design are consistent with the land use designation of Low Density Residential/5 acre minimum parcel size in the Monterey County General Plan and the Toro Area Plan. The Tentative Subdivision Map contained in Planning File PLN980516 indicated that all lots will be at least 5.0 acres in size or larger. *See Finding 1.*
 - d) **The design or improvement of the proposed subdivision is consistent with general plan, area plan, coastal plan or specific plan.** The application includes proposed Zone Changes to amend the zoning of the proposed subdivision to: LDR/5-VS (Low Density Residential-5 acre minimum parcel size with

Visual Sensitivity zoning. The proposed Standard Subdivision meets the requirements of and conforms to the standards for the LDR/5-VS "Low Density Residential zoning with 5.0 acre minimum parcel sizes and Visual sensitivity" zoning district applied to the property. Title 21.46.010 of Monterey County Code explaining the purpose of the "VS" or Visual Sensitivity District as being: "The purpose of this Chapter is to provide district regulations for the review of development in those areas of the County of Monterey in which such development could potentially create adverse visual impacts when viewed from a common public viewing area." *See Finding 1.*

- e) **The site is physically suitable for the type of development.** The lands proposed have existing natural slopes from 2% to 6% and are therefore relatively flat. The project provides home sites requiring little or no grading. Monterey County Geographic information System shows that the property is outside of any 100 year flood zone as mapped by the Federal Emergency Management Agency (FEMA). An archaeological survey entitled "Preliminary Archaeological Reconnaissance of Assessor's Parcel Number 167-061-025 and 167-061-029 River Road, Monterey County, California by Mary Doane and Trudy Haversat, SOPA, June 18, 1997 which found that no archaeological resources existing on this site. Stormwater Drainage and Ground Water Impacts for the Avila, Pisoni and Samoske Subdivision, Grice Engineering Inc., June 1998 indicates adequate safe leach field and percolation rates for septic effluent. Geotechnical Soils-Foundation and Geologic Hazards Report for the Avila, Pisoni and Samoske Subdivisions, Grice Engineering Inc., June 1998 contains recommendations for the foundations and construction to withstand expected seismic events. *See Finding 2.*
- f) **The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The Draft EIR (page IV-80) states that potential impacts to biological resources from the proposed project will be mitigated to levels that are less than significant with implementation of the proposed mitigation measures. Therefore, no significant impacts associated with biological resources will remain after implementation of all standard conditions and mitigation measures.
- g) **The design of the subdivision or type of improvements is not likely to cause serious public health problems.** The land is at sufficient elevation that it is not subject to inundation or flood hazard from the Salinas River. The Geotechnical report prepared for the subdivision indicated that the land is an old

alluvial fan, but that the water table is sufficiently low that the hazard from liquefaction is low and that problems from seismically induced ground shaking are moderate. The subdivision source capacity and water quality of the water supply as reviewed and conditioned by the Health Officer pursuant to Title 19.03.015 of the Monterey County Code meets the requirements of all applicable health and safety regulations. The project hydrogeologic report states water quality test results indicate the supply well has high water quality and recent testing found all Title 22 parameters to be below the State's Maximum Contaminate Levels (MCLs). Further, Nitrogen loading estimates indicate the total nitrogen loads are substantially lower than the maximum allowable loading rates established by the County of Monterey and the Regional Water Quality Control Board, and the project will result in only a minor increase existing levels, and remain below allowable loading rates ("Hydrogeologic Report for the Mohsin and Samoske Subdivision, Grice Engineering Inc., September 2003"). As stated above, water is presently consumed for residential and pasture uses, and is estimated by the hydrogeologic report to be 64.80 AFA. The report estimates project water use to diminish to 35.62 AFA, and potentially to 12.45 AFA if xeriscape landscaping methods are used. The reason for the reduction is grazing uses on the property would cease, and be replaced with residential uses which use less water.

- h) **The design of the subdivision or the type of improvements will not conflict with an easement acquired by the public at large, for access through or use of, property within the proposed subdivision.** The Tentative Map contained in PLN980516 shows all easements. The Preliminary Title Report describes easements pertaining to pole lines, access and utilities which are shown on and maintained in the Tentative Map. The conditions of approval require easements for all public utilities serving the site. There is a 25-foot wide cattle drive easement across the remainder parcel reserved in favor of the Pedrazzi family cattle drive to pass through the Mohsin property.
- i) **The subdivision meets the requirements or conditions of the Subdivision Map Act and the Subdivision Ordinance (Title 19).** Government Code §66426 "A Tentative and Final Map shall be required for all subdivisions creating five or more parcels..." This project creates 14 new parcels and a remainder, Parcel "A". Government Code §66426 Local Agencies to regulate and Control the Design of subdivisions. Title 19 of Monterey County Code requires the information and Provisions in accord with Government Code §66411.
- j) Conditions of approval require the applicants to assure long-term

maintenance of the improvements by use of a homeowners association (see **Attachment 1**).

- k) 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. The project consists of the subdivision of a 55-acre site into 11 five-acre residential parcels and a subdivision of a 17-acre parcel into two parcels of five acres and one parcel of seven acres. Two existing residences are currently located on the project site. The project site is located on River Road, in the Toro Planning Area. The project application was deemed complete in November of 1999, which was prior to the effective date of the County's current Inclusionary Ordinance (#04185) and is therefore subject to the prior Ordinance #3419. Ordinance #3419, requires that all development resulting in residential units or lots contribute to the Inclusionary Housing Program, in an amount equal to 15% of the total number of lots/units being created, (that are not determined to be exempt). The Ordinance further allows the developer to select the form of compliance including the payment of an in-lieu fee instead of supplying Inclusionary units. The in-lieu fee is based on the adopted Inclusionary In-Lieu Fee Schedule in effect at the time that the project application was deemed complete by the County. This project will result in total of 14 lots, however the two existing residences are exempt. The project is therefore subject to compliance for 12 lots/units, which equals 1.8 Inclusionary units. The project application indicates that the applicant is electing to pay an In-Lieu fee for compliance. The In-Lieu fee is calculated based on the fee schedule that was in effect at the time that the application was deemed complete (1994 In-Lieu Fee Schedule). Memorandum from the County's Housing and Redevelopment Office, dated October 2, 2008.
- l) Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, requires the applicant to pay a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D).
- m) The proposed project has the potential to site distances and traffic safety along River Road as well as certain road segments and contribute to regional traffic for the area. Mitigation Measures TRA1 –TRA4 apply fair share contribution requirements for this project. [Also refer to the condition that requires applicant to clear the brush to help with site distances)

3. **FINDING: REVIEW PROCESS** – The project was submitted to the Toro

Area Land Use Committee, Subdivision Committee, Agricultural Advisory Committee and Planning Commission for review.

- EVIDENCE:**
- a) The project, and changes thereto, has been referred to the Toro Land Use Advisory Committee (LUAC) on three occasions: October 13, 1998: voted 3-1-1-0 opposing the proposed project. July 8, 2002: voted 3-2 supporting a proposed change of the General Plan land use designation and rezoning from agricultural to low density residential designations. November 10, 2008: voted 7-1 supporting the Lot Line Adjustment and 8-0 opposing the General Plan Amendment, Rezoning, and Combined Development Permit.
 - b) On October 30, 2008, the Standard Subdivision Committee held a duly noticed public hearing and considered the Draft EIR and the Recirculated Portion of the Draft EIR with the Mitigation Monitoring and Reporting Program. The Committee voted 5-1-0 to recommend that the Planning Commission adopt Findings and Evidence approving the Lot Line Adjustment subject to conditions of approval.
 - c) The proposed project was presented to the Agricultural Advisory Committee (AAC) to address agriculturally related issues such as agricultural buffers and conversion of agricultural lands. The AAC held a hearing on December 4, 2008 and continued the matter to January 22, 2009 following a site visit on December 11, 2008. On January 22, 2009, the AAC took the following actions:

Agricultural Viability Report: The AAC noted that the report concluded that the viability for the project was an "8" for the lower (Samoske) property and a "6" for the Mohsin property, and that this is based on science by a reputable consultant. These ratings are out of a possible 30 with higher numbers being better suited for farming. Having also visited the site, the AAC acknowledged that the lands could be used for grapes and grazing, but not for row crops. The AAC voted 9-0 finding that the Ag Viability Report is adequate.

Conversion of Agricultural Lands: Public testimony raised issue for potential impact on nearby Williamson Act lands and growth pressure in general to continue conversion of Ag lands in this area. The proposed project is designed with 5-acre lots that could allow limited agriculturally-related uses such as limited equestrian/livestock or small vineyards. This is consistent with the existing 5-acre lots abutting the 55-acre portion of the Mohsin property. In addition, approximately 200 acres would remain PG with $\frac{3}{4}$ (150 acres) of that land being

placed in a permanent agricultural conservation easement. The AAC voted 8-1 to support the proposed conversion as designed.

Agricultural Buffers: The AAC had generally supported honoring the 200 foot standard. However, the Committee recognized that different conditions warrant reducing the required set back:

Mohsin Property: To the north, there is a ravine that provides a natural buffer from Riehl property (PG/40). Part of this property abuts existing residential 5-acre properties and vineyards are located south of the site (Knott property). On a 7-2 vote, the AAC found that based on the topography, climate (e.g. prevailing wind), and surrounding conditions, the proposed 100 foot buffers were adequate. The AAC further recommended that building envelopes be situated toward the north (e.g. toward the existing 5-acre parcels) to effectively create a larger buffer from the vineyards to the south.

Samoske Property: The AAC raised concern on reducing this set back matter due to active major Ag operations located to the north (Pedrazzi property). On a 7-2 vote, the AAC recommended denial of the proposed 75-foot buffers/mitigation. Upon further discussion, they felt that a full 200 feet was required from the Pedrazzi property due to the active cattle operation there.

- d) A revised 200 foot/50 foot buffer plan and agricultural viability assessment memorandum from the Deputy Agricultural Commissioner was presented to the AAC on February 26, 2009. The AAC voted 5-3 to recommend approval of the revised buffer plan and voted 8-0 to reaffirm their action regarding the agricultural viability of the parcels. That action determined that the parcels could generally be considered suitable for vineyards/orchard and grazing but not row crops.
- e) On December 10, 2008, January 28, 2009 and March 11, 2009 the Planning Commission held duly noticed public hearings on the Lot Line Adjustment. On January 28, 2009, the Planning Commission passed a motion of intent to recommend approval of the project to the Board of Supervisors contingent upon the AAC's consideration and recommendation to the Planning Commission as to whether the AAC approves the applicant's revised 200 foot/50 foot buffer plan for the Samoske lot.
- f) On March 11, 2009, the Planning Commission adopted Resolution ##### recommending that the Board of Supervisors certify the EIR for the project, approve a mitigation monitoring

and reporting plan and adopt a statement of overriding considerations.

- g) On March 11, 2009, the Planning Commission adopted Resolution ##### recommending that the Board of Supervisors amend the Monterey County General Plan/Toro Area Plan to designate 266 acres of land from Farmlands (Samoske, 17 acres) and Permanent Grazing (Mohsin, 249 acres) as a Special Treatment Area ("STA") and adopt Policy 30.1.1.2(T), a new Toro Area Plan policy that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with agricultural buffers and the upper 249 acres would remain Permanent Grazing.
- h) On March 11, 2009, the Planning Commission adopted Resolution ##### recommending that the Board of Supervisors amend the sectional district maps of Section 21.08.060 of Title 21 (zoning) of the Monterey County Code as follows:
Section 21-19: Change the zoning of a 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and
Section 21-19: Change 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and also subject to approval of a lot line adjustment (Resolution #####), certification of environmental impact report #06-01 (Resolution #####), approval of a general plan amendment to create a Special Treatment Area and amend the land use designations of the subject property (Resolution #####), and approval of proposed zone changes (Resolution #####), the Planning Commission does hereby:

- A. Recommend that the Board of Supervisors approve a Combined Development Permit (PLN980516) including a Standard Subdivision to subdivide: A 17-acre parcel (APN 167-061-029-000/Samoske) into three parcels consisting of 7.0 acres (Parcel A), 5.0 acres (Parcel B), and 5 acres (Parcel C); and a 249-acre parcel (APN 167-061-033-000/Mohsin) into 11, 5-acre parcels (LDR/5) plus one remainder parcel totaling 194 acres (PG/40), in general conformance with the attached sketch (**Attachment 2**) incorporated herein by reference.
- B. Recommend that the Board of Supervisors ADOPT the Condition Compliance and Mitigation Monitoring and Reporting Program (**Attachment 1**) attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this eleventh day of March, 2009, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

By _____
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANTS ON:

Attachment 1: Condition Compliance and Mitigation Monitoring Reporting Plan
Attachment 2: Subdivision Map

<p>ATTACHMENT 1 Monterey County Resources Management Agency Planning Department Condition Compliance and Mitigation Monitoring Reporting Plan</p>	<p>Project Name: <u>Mohsin-Samoske</u> File No: <u>PLN980516</u> APN: <u>167-061-029-000, 167-061-032-000 & 167-061-033-000</u> Approved by: <u>Planning Commission</u> Date: <u>March 11, 2009</u></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>PD001 - SPECIFIC USES ONLY The project consists of: 1) Lot Line Adjustment of 3.47 acres between two parcels reducing APN167-061-032-000 (Riehl) from 52.0 acres to 48.53 acres and increasing APN167-061-033-000 (Mohsin) from 245.51 acres to 249.0 acres; 2) amend General Plan and Toro Area Plan land use maps for two parcels: a) change 17-acre parcel (APN 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay; and b) change a 55-acre portion of a 249-acre parcel (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum (PG/40) to Single Family Residential with a STA Overlay. The STA would allow 14 single-family residential lots and a Permanent Grazing remainder parcel and would require an agricultural buffer as part of any subdivision within the STA. 3) Zone Change for two parcels: a) change 17 acre parcel (APN 167-</p>	Adhere to conditions and uses specified in the permit.	Owner/Applicant	Ongoing unless otherwise stated	

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		<p>061-029-000/Samoske) from F/40-D to LDR/5-VS; and b) change 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40-D; 4) Combined Development Permit consisting of: a) Standard Subdivision to subdivide one 17-acre parcel (APN 167-061-029-000/Samoske into three parcels consisting of 7.0 acres (Parcel A), 5.0 acres (Parcel B) and 5 acres (Parcel C) and subdivide one 249.0 acre parcel (APN 167-061-033-000/Mohsin) into 11, 5-acre parcels (LDR/5-VS) plus one remainder parcel totaling 194 acres (PG/40-D). The proposed subdivision will require agricultural buffer plans for a buffer of at least 75 feet for Parcels B and C of the Samoske portion of the subdivision, and a buffer of at least 100 feet for 11 residential parcels on the Mohsin portion of the subdivision. b) Administrative Permit pursuant to Section 21.14.040.G to allow a small water system with 14 connections. The property is located at 874, 884 & 870 River Road (Assessor's Parcel Number 167-061-029-000, 167-061-032-000 & 167-061-033-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial</p>				

Permit Code Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>				
2.		<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	Owner/ Applicant	Within 5 working days of project approval.	Prior to the recordation of the final map, the start of use or the issuance of building or 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)
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 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</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 final map, whichever occurs first and as applicable	

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, in certified professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
		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)				
4.		PD013 - LIGHTING - STREET LIGHTS All street lights in the development shall be approved by the Director of the RMA - Planning Department. (RMA - Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans. The lighting shall be installed and maintained in accordance with the approved plan	Owner/ Applicant	Prior to the issuance of grading or building permits for street lights.	
5.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Prior to occupancy/ ongoing Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	

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)
6.		<p>PD015 - NOTE ON MAP-STUDIES</p> <p>A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "A Geotechnical Soils-Foundation (June 1998); Stormwater, Drainage and Groundwater Impact Report (June 1998); and Septic Report (June 1998), have been prepared on this property and are on file in the Monterey County RMA - Planning Department. The recommendations contained in said 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. (RMA - Planning Department)</p>	<p>Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to recordation of final map</p>	
7.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Numbers 167-061-029-000, 167-061-032-000 & 167-061-033-000 on (<u>DATE</u>). The permit was granted subject to 72 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. (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	

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8.		PD036 – UTILITIES – SUBDIVISION A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (RMA – Planning Department)	Place note on map or a separate sheet and submit to the RMA - Planning Department for review and approval. Install or bond for the underground utility facilities.	Owner/ Applicant	Prior to the recordation of final map.	
9.		PD035 – UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
10.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant Geotech-nical Consultant	Prior to final inspection	
11.		PD042 – GRADING/EASEMENT STAKING The conservation and scenic easement(s) and proposed grading shall be staked with 18" stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with recorded easement lines and proposed grading as indicated in the official record at the Monterey County RMA – Building Services Department. The staking shall be verified at the grading pre-site inspection by the	The easement(s) and proposed grading shall be staked with 18" stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with recorded easement lines and proposed grading as indicated in the official record at the Monterey County RMA – Building	Owner/ Applicant	At pre-site inspection by the grading inspector	

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		grading inspector. (RMA – Planning Department and Building Services Department)	Services Department.			
12.		PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENT) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA – Planning Department)	The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled “Exhibit A”. The legal description shall comply with the Monterey County Recorder’s guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates.	Owner/ Applicant/ Surveyor	Concurrent with recording the Record of Survey	
13.		PW0023 – IMPROVEMENT PLANS Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)	Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of final map.	Subdivider	Prior to Recordation of Final Map	
14.		PW0014 – DRAINAGE IMPROVEMENT STUDY Provide an on-site/off-site drainage improvement study prepared by a registered Civil Engineer. Study to be approved by Public Works Department and the Water Resources	Applicant’s Engineer shall prepare drainage study and improvement plans for review and approval by DPW.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance or Recordation of Final 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's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Agency and shall be incorporated in the improvement plans. (Public Works)				
15.		PW0015 – UTILITY'S COMMENTS Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)	Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW	Owner/ Applicant	Prior to Recordation of Map	
16.		PW0016 – MAINTENANCE OF SUBDIVISIONS Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)	Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.	Subdivider	Ongoing	
17.		PW0017 – NATURAL DRAINAGE EASEMENT Designate all natural drainage channels on the final map by easements labeled "Natural Drainage Easement". (Public Works)	Subdivider's surveyor shall include labeling as described on Final Map.	Subdivider/ Surveyor	Prior to Recordation of Final Map	

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18.		PW0018 – ROUGH GRADING FOR SLOPE Where cut or fills at property line exceed 5' driveways shall be rough graded when streets are rough graded. Positive drainage and erosion control shall be provided. (Public Works)	Subdivider's Engineer shall include notes on improvement plans.	Subdivider/Engineer	Prior to Recordation of Final Map	
19.		PW0020 – PRIVATE ROADS Designate all subdivision roads as private roads. (Public Works)	Subdivider's Surveyor shall designate private roads on final map.	Subdivider	Ongoing	
20.		PW0021 – ROAD NAMES Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)	Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.	Subdivider	Prior to Recordation of Final Map	
21.		PW0025 – GRADING PERMIT A grading permit shall be obtained from the Planning and Building Inspection Department if required. (Public Works)	Subdivider to make application for Grading Permit.	Subdivider	Prior to Commencement of Grading	
22.		PW0026 – PLANTING FOR GRADED AREAS Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following: a. That the cut and fill slopes be stabilized. b. Specific method of treatment and type	Subdivider's Engineer to include erosion control measures on improvement plans.	Subdivider/Engineer	Prior to Recordation of Final 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)
		<p>of planting, by area, for each soil type and slope required to satisfy item (a).</p> <p>c. Type and amount of maintenance required to satisfy item (a). (Public Works)</p>				
23.		<p>PW0024 – STOP SIGN Install and maintain a stop sign on the subdivision access at River Road. (Public Works)</p>	<p>Subdivider/Applicant shall install and maintain stop sign.</p>	<p>Subdivider/Applicant</p>	<p>Ongoing</p>	
24.		<p>WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	<p>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.)</p>	<p>Owner/Applicant</p>	<p>Recordation of the notice shall occur concurrently with the final map</p>	
25.		<p>WR42 - LANDSCAPING REQUIREMENTS A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	<p>Submit the recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)</p>	<p>Owner/Applicant</p>	<p>Recordation of the notice shall occur concurrently with the final map</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's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
26.		COMPLETION CERTIFICATION (NON-STANDARD WORDING) The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant	Prior to issuance of any building permits	
27.		EH1 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits or prior to filing final map	
28.		EH2 - WATER SYSTEM IMPROVEMENTS (CO. PERMITTED SYSTEM) 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. (Environmental Health)	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 issuance of grading/ building permit or Prior to filing final map	

Permit Contd. 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)
29.		<p>EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)</p>	<p>Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.</p>	CA Licensed Engineer /Owner/ Applicant	Prior to installing or bonding water system improvements	
30.		<p>EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health)</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.</p>	CA Licensed Engineer /Owner/ Applicant	Prior to filing final map	
31.		<p>EH9 - NEW WELL PUMP TESTS All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For</p>	<p>Submit a report to EH for review and approval</p>	CA Licensed Engineer /Owner/ Applicant	Prior to the issuance of a building permit	

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		<p>the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump tests shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. The pump test results shall be presented in a form for direct comparison to the criteria set forth in this condition. A representative of the Division of Environmental Health shall witness the pump tests. The applicant shall pay all associated fees to the Division of Environmental Health. (Environmental Health)</p>				
32		<p>EHSP01 – SEPTIC SYSTEM FLOWS The septic system design for all lots in this subdivision shall be designed to comply with Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions," Central Basin Plan, RWQCB. Maximum five (5) foot effective flows shall be required per MCC 15.20. (Environmental Health)</p>	<p>Submit plans for review and approval to the Division of Environmental Health.</p>	<p>CA Licensed Engineer/Owner/Applicant</p>	<p>Prior to issuance of building permit.</p>	
33.		<p>EH22 – DEED NOTIFICATION – PERC REPORT A deed notification shall be recorded concurrently with the final map with the Monterey County Recorder which states: "A soils and percolation report has been prepared for the parcels APN 167-067-029-000 and 167-061-033-000 that are included in file number PLN980516 by Grice Engineering, dated June</p>	<p>Submit proposed wording and forms to be recorded to EH and RMA-Planning for review and approval. Record deed notification.</p>	<p>Owner/Applicant</p>	<p>Concurrently with filing of final map.</p>	

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		31, 1998 and is on record at the Division of Environmental Health, Monterey County, File No. PLN980516. All proposed development shall be in compliance with this report and the recommendations therein. (Environmental Health)				
34.		EH44 - WELL LOTS Submit a tentative map indicating proposed well lots, water distribution, and access easements for the water system to the Director of Environmental Health for review and approval. Once approved, well lots and easements shall appear as part of the final map. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval	CA Licensed Engineer/ Owner/ Applicant	Prior to filing the final map.	
35.		FIRE001 - ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	

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36.		<p>FIRE002 - ROADWAY ENGINEERING</p> <p>The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Salinas Rural Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	Applicant or owner	Prior to final building inspection	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection.	
37.		<p>FIRE008 - GATES</p> <p>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		<p>traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Salinas Rural Fire District)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection.</p>	
38.		<p>FIRE009 - BRIDGES All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges. (Salinas Rural Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection.</p>	

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39.		<p>FIRE010 - ROAD SIGNS</p> <p>All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.</p>	<p>Applicant or owner</p>	<p>Prior to filing of final map.</p>	

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		<p>street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (Salinas Rural Fire District)</p>	<p>Applicant shall schedule fire dept. clearance inspection for each phase of development</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision.</p>	

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40.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Salinas Rural Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	

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41.		<p>FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. (Salinas Rural Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of permit.</p> <p>Prior to final building inspection</p>	

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

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43.		<p>FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (Salinas Rural Fire District)</p> <p>FIRE017 - DISPOSAL OF VEGETATION AND FUELS Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. (Salinas Rural Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>		
44.		<p>FIRE017 - DISPOSAL OF VEGETATION AND FUELS Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. (Salinas Rural Fire District)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>		
45.		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	

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		minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Salinas Rural Fire District)	Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
46.		FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. (Salinas Rural Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
MITIGATION MEASURES						
47.	AES-1	PD022(A) - EASEMENT - CONSERVATION AND SCENIC A conservation and scenic easement shall be conveyed to the County over those portions of the property not proposed for five-acre lots, excluding the existing home site on the remainder parcel. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits.	Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.	Owner/ Applicant		Prior to issuance of grading and building permits

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		(RMA – Planning Department)				
48.	AES-2	PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department. Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant Owner/ Applicant	Prior to the issuance of building permits.	Prior to final map, final inspection or commencement use
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	

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49.	AG-1	<p>Prior to recordation of a final map, the applicant shall submit Agricultural Buffer Mitigation Plans for the Mohsin and Samoske properties to the Planning Department and Agricultural Commissioner for review and approval. The plans shall establish agricultural buffers of at least 75 feet for Parcels B and C of the Samoske portion of the subdivision and buffers of at least 100 feet for the 11 residential parcels on the Mohsin portion of the subdivision. The buffers shall take into account conditions such as the type of adjacent agricultural use, topography and climate (e.g., prevailing winds) with the intent to protect agricultural operations from impacts of non-agricultural uses. Said setback areas shall be labeled on the final map as "agricultural buffer easement. The easement deed shall describe the easement on each parcel containing an agricultural buffer to exclude habitable structures. (Agricultural Commissioner and RMA-Planning Department)</p>	<p>The applicant shall submit Agricultural Buffer Mitigation Plans and cost estimates to the Planning Department and Agricultural Commissioner for review and approval.</p> <p>The applicant's engineer shall prepare Final Map with agricultural buffer easements.</p> <p>Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the RMA – Planning Department.</p> <p>All landscaping and fences shall be continuously maintained by the property owner; all plant material shall be continuously maintained in a litter-free, healthy growing condition.</p>	<p>Applicant</p> <p>Applicant's engineer</p> <p>Property owner</p> <p>Property owner</p>	<p>Prior to approval of Final Map</p> <p>Prior to approval of Final Map</p> <p>Prior to occupancy</p> <p>Ongoing</p>	

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50.	BR-1	<p>Prior to the issuance of a grading or building permit for Lot 6 of the Mohsin portion of the subdivision, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. The landscape plan shall include the following oak tree protective measures:</p> <ol style="list-style-type: none"> 1) Protection of the 54-inch dbh coast live oak tree growing on the Mohsin property; 2) A protective buffer no less than 20 feet away from the dripline of the oak tree canopy. 3) The provision of orange construction fencing defining the boundary of the oak tree protection zone prior to and during construction; and 4) A provision prohibiting grading, deposition of fill, or irrigation within the oak tree protection zone. <p>A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the</p>	<p>Submit three copies of landscape plan to the RMA - Planning Department for review and approval.</p>	<p>Applicant/Owner</p>	<p>Prior to issuance of a grading or building permit for Lot 6 of the Mohsin portion of the subdivision</p>	

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51.	BR-2	<p>Monterey County RMA - Planning Department.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p> <p>The following measures shall be implemented to mitigate for potential impacts to nesting birds:</p> <ol style="list-style-type: none"> 1. If possible, all trees, brush, and other potential nesting habitat that will be impacted by project construction shall be removed during the non-nesting season (September 1 through February 15). 2. If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (February 16 through August 31), all suitable nesting habitat within the limits of work and a 500-foot buffer shall be surveyed by a qualified biologist prior to issuance of a grading or building permit. Surveys shall be conducted no more than 14 days prior to the start of work. If an active nest is discovered, a buffer shall be established on the project site around the nest and delineated using orange construction fence or equivalent. Buffers for raptor nests shall be 500 feet; buffers for non-raptor nests shall be 100 feet. The buffer shall be maintained in place until the end of the breeding season or until the young have fledged, as determined by a qualified biologist. 		Qualified Biologist	Prior to issuance of grading or building permit	

<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>If no nesting is discovered, construction may begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.</p> <p>Alternatively, the California Department of Fish and Game (CDFG) may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity). (RMA – Planning Department)</p>				
52.	BR-3	<p>The following measures shall be implemented to mitigate for potential impacts to burrowing owls:</p> <ol style="list-style-type: none"> 1) Presence/absence surveys shall be conducted for burrowing owls within the work limits in accordance with CDFG's Staff Report on Burrowing Owls (CDFG, 1995). The protocol requires 4 surveys during the nesting season (April 15 through July 15) and 4 surveys during the winter season (December 1 through January 31). If the survey results are negative, measures 2 and 3 are not required. 2) If burrowing owls are found to be occupying the site in either season, compensation for loss of foraging habitat shall be required in accordance with the CDFG Staff 	<p>The applicant shall have presence/absence surveys conducted by a qualified biologist for burrowing owls and preconstruction surveys 30 days prior to any ground disturbing activities.</p>	Qualified Biologist	Prior to issuance of grading or building permit	

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		<p>Report on Burrowing Owls (CDFG, 1995). Compensation shall consist of preservation of 6.5 acres of suitable foraging habitat for each breeding pair or unpaired winter resident. Preservation of this habitat shall be accomplished through:</p> <ul style="list-style-type: none"> a) Acquisition of suitable habitat and recording a conservation easement over the property; b) Purchasing sufficient credits at an approved conservation bank; c) A combination of the above methods; or d) Another method acceptable to CDFG. <p>3) Prior to issuance of a grading or building permit, the project proponent shall provide evidence that adequate mitigation has been provided for the loss of burrowing owl foraging habitat, as described above.</p> <p>4) No more than 30 days prior to any ground disturbing activities, a qualified biologist shall conduct a preconstruction survey for burrowing owls. A preconstruction survey is not necessary if the last presence/absence survey was conducted within 30 days of the start of ground disturbing activities. If ground disturbing activities are delayed or suspended for more than 30 days after the initial preconstruction surveys, the site shall be resurveyed. All surveys shall be conducted in accordance with CDFG's Staff Report on</p>				

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		<p>Burrowing Owls (CDFG, 1995). If no burrowing owls are present, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.</p> <p>5) If the preconstruction surveys identify burrowing owls on the site during the non-breeding season (September 1 through January 31), burrowing owls occupying the project site shall be evicted from the project site by passive relocation as described in the CDFG's Staff Report on Burrowing Owls (CDFG 1995).</p> <p>If the preconstruction surveys identify burrowing owls nesting on the site during the breeding season (February 1 through August 31), a 250-foot buffer shall be established on the project site around the nest burrow and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the breeding season or until a qualified biologist determines through non-invasive methods that: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow(s) can be destroyed. (RMA - Planning Department)</p>				

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53.	BR-4	<p>Per discussions with the USFWS (Diel, Christopher, November 1, 2007), California Tiger Salamander (CTS) are assumed to be present on the project site based on the presence of suitable habitat. The following measures shall be implemented to mitigate potential impacts to CTS. Western spadefoot could also be present on the project site; the following measures for CTS will also mitigate potential impacts to western spadefoot.</p> <p>It should be noted that the wetlands/water features on the project site are expected to be non-jurisdictional under the CWA. As a result, it is expected that no authorization will be required from the Corps of Engineers to fill the subject features and the project will not have a federal nexus with which to consult with the USFWS. Measure 1 reflects this approach. In the event the wetlands/water features are determined to be jurisdictional under the CWA, authorization will be required from the Corps of Engineers to fill the subject features, thus creating a federal nexus with which to consult with the USFWS. Measure 2 reflects this approach.</p> <p>1) The project proponent shall prepare a Habitat Conservation Plan (HCP) in accordance with Section 10 of the FESA to support issuance of an incidental take permit from the USFWS. The HCP shall include the following information:</p>	<p>CTS and western spadefoot site assessment shall be conducted by the applicant and submitted to USFWS for review and concurrence. If necessary, the applicant must prepare a mitigation plan and complete necessary USFWS requirements, obtain required permits, and provide documentation to the RMA-Planning Department.</p>	Applicant/Owner	Prior to issuance of grading or building permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>a) Impacts likely to result from the proposed taking of the species for which permit coverage is requested;</p> <p>b) Measures that will be implemented to monitor, minimize, and mitigate impacts; funding that will be made available to undertake such measures; and procedures to deal with unforeseen circumstances;</p> <p>c) Alternative actions considered that would not result in take; and</p> <p>d) Additional measures the USFWS may require as necessary or appropriate for purposes of the plan.</p> <p>OR</p> <p>1) The project proponent shall prepare a Biological Assessment (BA) to facilitate consultation with the USFWS under Section 7 of the FESA. The BA shall provide an evaluation of project impacts to CTS and include proposed avoidance and minimization measures. Section 7 consultation shall be initiated as part of the Corps permit process.</p> <p>2) Depending on the approach (i.e., measure 1 or 2), the HCP or BA shall describe proposed compensatory mitigation to offset the loss of approximately 45.7 acres of CTS habitat resulting from project implementation. Compensatory mitigation for CTS habitat typically consists of habitat preservation at a</p>				

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>minimum 2:1 ratio. Preservation of this habitat shall be accomplished through one or more of the following methods contingent upon approval from the USFWS:</p> <ul style="list-style-type: none"> a) Acquisition of suitable habitat and recording a conservation easement over the property; b) Purchasing sufficient credits at an approved conservation bank; c) Another method acceptable to USFWS; <p>Prior to issuance of a grading or building permit, the project proponent shall complete any consultation requirements with USFWS pursuant to FESA and obtain any required permits and provide documentation to the County. (RMA – Planning Department)</p>				
54.	BR-5	<p>The following measures shall be implemented to mitigate for potential impacts to Congdon's tarplant.</p> <ul style="list-style-type: none"> 1) Prior to the issuance of a grading or building permit, a qualified biologist or botanist shall conduct focused surveys for Congdon's tarplant in the proposed work area. Surveys shall be conducted during the normal blooming period for this species, which is normally September through November. If survey results are negative, no additional mitigation is required. 2) If Congdon's tarplant is identified in the 	<p>The applicant shall have a qualified biologist or botanist shall conduct focused surveys for Congdon's tarplant in the proposed work area and take appropriate action as necessary.</p>	<p>Qualified Biologist or Botanist</p>	<p>Prior to issuance of grading or building permit</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
		<p>work area, seed shall be salvaged from the plants present and relocated to one or more appropriate locations on the southern part of the project site. The relocations area(s) shall be within the dedicated open space portion of the site. Seed shall be salvaged after the plants are done flowering and the seed has set. The salvaged seed shall be relocated and spread immediately following salvage activities, so that the timing is as close to the natural cycle as possible.</p> <p>3) Prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall provide documentation to the County of Monterey that (RMA – Planning Department)</p>				
55.	BR-6	<p>As noted in Section D.2 of the Draft EIR, in the event the Corps of Engineers determines the wetlands on the northern part of the project site are non-jurisdictional under Section 404 of the CWA, it is likely the RWQCB will regulate these features as waters of the State under PCWQCA.</p> <p>The following measures shall be implemented to mitigate for potential impacts to jurisdictional waters under Section 404 of the CWA and/or PCWQCA, depending on the jurisdiction determination made by the Corps.</p> <p>1) Waters of the United States (waters of the U.S.) permanently impacted during construction</p>	<p>The applicant shall consult with the Corps of Engineers and shall comply with all federal and State requirements pertaining to jurisdictional and nonjurisdictional waters as appropriate, obtain any necessary permits, and purchase credits at an approved mitigation bank.</p>	Applicant/Owner	Prior to issuance of grading or building permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>shall be mitigated by one of the following methods, or by using a combination of the methods, contingent upon approval by the Corps and/or RWQCB:</p> <ul style="list-style-type: none"> a) Preservation, creation, and/or restoration of the impacted resources at a minimum ratio of 2:1. If this method is utilized, a Mitigation and Monitoring Proposal (MMP) shall be prepared and submitted to the Corps and/or RWQCB for approval. The MMP shall be prepared in accordance with the Corps 2004 Mitigation and Monitoring Proposal Guidelines. The MMP shall address the following: <ul style="list-style-type: none"> Responsible Parties; Project Description; Site Characteristics; Mitigation Design; Success Criteria and Monitoring; Implementation Plan; Maintenance; Monitoring Reports; Contingency Measures; Completion of Mitigation; and Long-Term Management. b) Purchase of credits at an approved mitigation bank at a minimum 1:1 mitigation ratio. 2) Prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall obtain any necessary permits (e.g., from the Corps, RWQCB) and provide documentation to the County of Monterey. (RMA – Planning Department) 				

<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>
56.	GEO-1	Project design shall assume that project facilities would be exposed to ground shaking commensurate with a maximum credible earthquake. Project design specifications, in accordance with the requirements of the Uniform Building Code's current edition for Seismic Zone IV that requires all buildings to be founded on undisturbed native soils and/or accepted engineering fill to prevent resonance amplification between soils and the structure, shall be prepared by the project engineer and submitted to the County of Monterey for approval prior to issuance of a building permit. (RMA – Building Department)	Project design specifications shall be prepared in accordance with the Uniform Building Code by the project engineer and submitted to the RMA – Building Department for review and approval prior to issuance of a building permit.	Project Engineer	Prior to issuance of building permit	
57.	HYD-1	Prior to issuance of a grading or building permit, the applicant shall submit construction plans for the project that include features meeting the applicable construction activity Best Management Practices (BMPs) and erosion and sediment control BMPs published in the California Stormwater BMP Handbook—Construction Activity or equivalent for review and approval by the RMA- Planning Department. The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the County that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and would be reviewed and approved by the County Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the	The applicant shall ensure that construction plans for the project include features meeting the applicable construction activity BMPs and erosion and sediment control BMPs and shall submit construction plans and a SWPPP for the project to the RMA-Planning Department	Applicant/Owner		

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)
		maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the project site. (RMA – Planning Department)				
58.	HYD-2	Prior to issuance of grading permits, the applicant shall demonstrate to Monterey County RMA- Planning Department that coverage has been obtained under the State General Construction Activity National Pollutant Discharge Elimination System (NPDES) Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board (SWRCB). During grading and construction, the applicant shall ensure that the project complies with the requirements of the State General Construction Activity NPDES Permit. (RMA – Planning Department)	The applicant shall provide a copy of the NOI submitted to the SWRCB to demonstrate that coverage has been obtained under the State General Construction Activity NPDES Permit The applicant shall ensure that the project complies with the requirements of the State General Construction Activity NPDES Permit.	Applicant Applicant	Prior to issuance of grading permits During grading and construction	
59.	HYD-3	The applicant shall comply with the provisions of the NPDES General Permit and Waste Discharge Requirements for the Storm Water Discharges from Small Municipal Separate Storm Sewer Systems Order No. 2003-0005-DWQ NPDES No. CAS000004 as they relate to construction activities for the project. This shall include a Notification of Construction to the Central Coast Regional Water Quality Control Board (RWQCB) at least 30 days prior to the start of construction, preparation and	The project applicant shall obtain a Notification of Construction from the Central Coast RWQCB at least 30 days prior to the start of construction, prepare and implement a SWPPP, and shall obtain a Notice of Completion upon completion of construction and stabilization of the site.	Applicant	At least 30 days prior to start of construction, preparation and implementation of a SWPPP and Notice of Completion to the Central Coast RWQCB upon completion of	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		implementation of a SWPPP and Notice of Completion to the Central Coast RWQCB upon completion of construction and stabilization of the site. (RMA – Planning Department)			construction and stabilization of the site	
60.	HYD-4	Prior to issuance of any grading permits, the applicant shall provide the County Water Resources Agency a road improvement plan prepared by a registered civil engineer that includes dispersing storm water runoff onto a non-erodible surface. Improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (RMA – Planning Department)	The applicant shall provide the County Water Resources Agency a road improvement plan (prepared by a registered civil engineer) including the methods of dispersing storm water runoff onto a non-erodible surface.	Registered civil engineer	Prior to issuance of any grading permits	
61.	HYD-5	Prior to recordation of the final map, the applicant shall provide the County Water Resources Agency a drainage report that includes calculations certifying storm water detention facilities will be sized to store the difference between the 100-year post-development runoff and the 10-year pre-development runoff, while limiting discharge to the 10-year pre-development rate. The location of the detention facilities shall be shown on the final map. (Water Resources Agency)	The project applicant shall provide the County Water Resources Agency a drainage report that includes a map of the location of the detention facilities and calculations certifying that the storm water detention facilities are sized sufficiently.	Applicant/Owner	Prior to recordation of the final map	
62.	HYD-6	DRAINAGE NOTE A note shall be recorded on the final map stating: "A drainage plan shall be prepared, for each lot, by a registered civil engineer or architect prior to issuance of any grading or building permits. Impervious surface	The project applicant shall provide the County Water Resources Agency a drainage plan including construction details for the detention ponds and retention/infiltration	Owner/Applicant	Prior to filing of the final 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)
		<p>stormwater runoff shall be directed to the stormwater drainage system for the subdivision. If runoff cannot be directed to the subdivision drainage improvements, on-site retention/detention facilities shall be constructed in accordance with plans approved by the Water Resources Agency. Prior to recordation of the final map, the applicant shall provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)</p>	<p>systems.</p>			
63.	HYD-7	<p>A Homeowner's Association shall be formed for the maintenance of roads, drainage facilities, and open spaces. Prior to filing of the final map, the Director of Public Works, the RMA-Planning Director and the County Water Resources Agency shall approve the documents forming the Homeowner's Association. Applicant shall prepare an operation and maintenance plan for all facilities and shall implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. The covenants, conditions and restrictions shall include provisions for a yearly report by a registered civil engineer, for maintaining the drainage facilities, and for monitoring impacts associated with the drainage facilities. The annual drainage report shall be submitted to the Water Resources Agency by August 15 for review and approval. (Public Works, RMA – Planning Department and Water Resources Agency)</p>	<p>The subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.</p>	Subdivider	Prior to recordation of final map	

Permit Cond. Number	Ming. 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)
64.	HYD-8	<p>Prior to recordation of the final map, a signed and notarized Drainage and Flood Control Systems Agreement shall be provided to the Water Resources Agency for review and approval. The agreement shall include a summary of required annual maintenance activities and provisions for the preparation of an annual drainage report. The annual report shall be prepared by a registered civil engineer and submitted to the Water Resources Agency by August 15 for review and approval. If the Homeowner's Association, after notice and hearing, fails to properly maintain, repair, or operate the subdivision drainage and flood control facilities, the 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 at the project site. 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 costs. The Drainage and Flood Control Systems Agreement shall be recorded concurrently with the final map. (Water Resources Agency)</p>	<p>The applicant shall submit a signed and notarized Drainage and Flood Control Systems Agreement to the Water Resources Agency for review and approval.</p>	<p>Applicant</p>	<p>Prior to recordation of the final map</p>	
			<p>The applicant shall submit an annual report to the Water Resources Agency by August 15 for review and approval.</p>	<p>Registered civil engineer</p>	<p>By August 15th</p>	
			<p>The Drainage and Flood Control Systems Agreement shall be recorded.</p>	<p>Applicant</p>	<p>Concurrently with the recordation of the final map</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
65.	HYD-9	Prior to the issuance of any grading or building permits, the applicant shall provide the Monterey County RMA - Planning Department with three copies of a landscaping plan prepared by a licensed landscape architect utilizing xeriscape and/or native drought tolerant plantings to minimize the amount of groundwater needed to irrigate the rural residential parcels. (RMA - Planning Department)	The applicant shall provide the Monterey County RMA- Planning Department with three copies of a landscaping plan utilizing xeriscape and/or native drought tolerant plantings.	Licensed landscape architect	Prior to the issuance of grading or building permit	
66.	LU-1	INCLUSIONARY HOUSING Prior to recordation of the final map, the applicant shall comply with the County's Inclusionary Housing Ordinance #3419 by paying, or securing, to the satisfaction of the Redevelopment and Housing Director, an in-lieu fee of \$164,313. (Housing and Redevelopment)	The applicant shall pay the in-lieu fee to the Redevelopment and Housing Director.	Applicant	Prior to recordation of final map	
67.	PS-1	PKS002 - RECREATION REQUIREMENTS/FEEs The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/Applicant	Prior to Recordation of the Final Map	
68.	TRA-1	NON-STANDARD - SIGHT DISTANCE Any brush located within the project R.O.W. shall be cleaned and maintained by the project	The subdivider and Public Works Department shall clean and maintain any brush growing	Subdivider and Public Works Department	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)
		applicant so adequate sight distance at the project driveway is provided. Brush is growing on the west side of River Road, remove or trim brush to increase sight distance from 430 ft to 550 ft, meeting the minimum required sight distance of 512 ft. (Public Works)	on the west side of River Road to meet the minimum required sight distance of 512 feet.			
69.	TRA-2	NON-STANDARD – TRAFFIC FEES (RIVER ROAD) Prior to recordation of the final map, applicant shall contribute \$2,533 to the County as the project's fair share contribution toward future improvements to the Highway 68 westbound ramps/Reservation Road intersection. (Public Works)	The applicant shall pay the fee to Public Works.	Subdivider	Prior to recordation of final map	
70.	TRA-3	NON-STANDARD – TRAFFIC FEES (CHUALAR) Prior to recordation of the final map, applicant shall contribute \$5,266 to the County as the project's fair share contribution toward future improvements to the northbound on and off ramps in Chualar. (Public Works)	The subdivider shall pay the fee to Public Works.	Subdivider	Prior to recordation of final map	
71.	TRA-4	NON-STANDARD – TAMC Prior to issuance of building permits, applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee (currently \$4,113.00 per dwelling unit). The fee required by TAMC shall be reduced by \$2,523.77 per lot to account for traffic mitigation fees previously paid by the subdivider. (Public Works)	The applicant shall pay the fee to the RMA-Building Department.	Subdivider	Prior to issuance of building 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)
72.	CR-1	<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County 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. (RMA - Planning Department)</p>	<p>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.</p>	Owner/ Applicant/ Archaeo-logist	Ongoing	

OWNERS STATEMENT

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

I HEREBY DEDICATE FOR PUBLIC USE EASEMENTS FOR PUBLIC UTILITIES INCLUDING BUT NOT LIMITED TO ELECTRICITY, GAS, COMMUNICATIONS, WATER AND THEIR NECESSARY APPURTENANCES ON, OVER AND UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "PUBLIC UTILITY EASEMENTS" AS SHOWN ON SAID MAP WITHIN SAID SUBDIVISION; SUCH STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES NOT SERVING THE PURPOSE OF THE EASEMENT.

OWNER:

SANDRA RADFORD-SAMOSKE

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA COUNTY OF MONTEREY J.S.

ON _____ BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO WITHIN THE INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITY, AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS EXECUTED THE INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____ (SEAL) MY COMMISSION EXPIRES: _____

LINE TABLE

LINE	BEARING	LENGTH
L1	N 42°28'46" E	6.53
L2	N 42°28'46" E	24.59
L3	N 29°46'36" E	37.52
L4	N 29°46'36" E	30.95
L5	S 51°43'54" E	29.80
L6	N 39°13'21" E	59.38
L7	S 74°28'15" E	51.90
L8	S 74°28'15" E	59.52
L9	N 23°38'48" W	32.76
L10	S 51°43'09" E	29.80
L11	N 39°14'06" E	59.38
L12	S 6°04'12" E	100.00
L13	S 15°40'04" W	35.00
L14	S 42°28'46" W	55.12

SURVEYOR'S STATEMENT

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 SANDRA RADFORD-SAMOSKE ON APRIL 1, 2005. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

DAVID K. FULLER REGISTERED CIVIL ENGINEER R.C.E. 24400 REG. EXPIRES 12/31/2005



BASIS OF BEARINGS

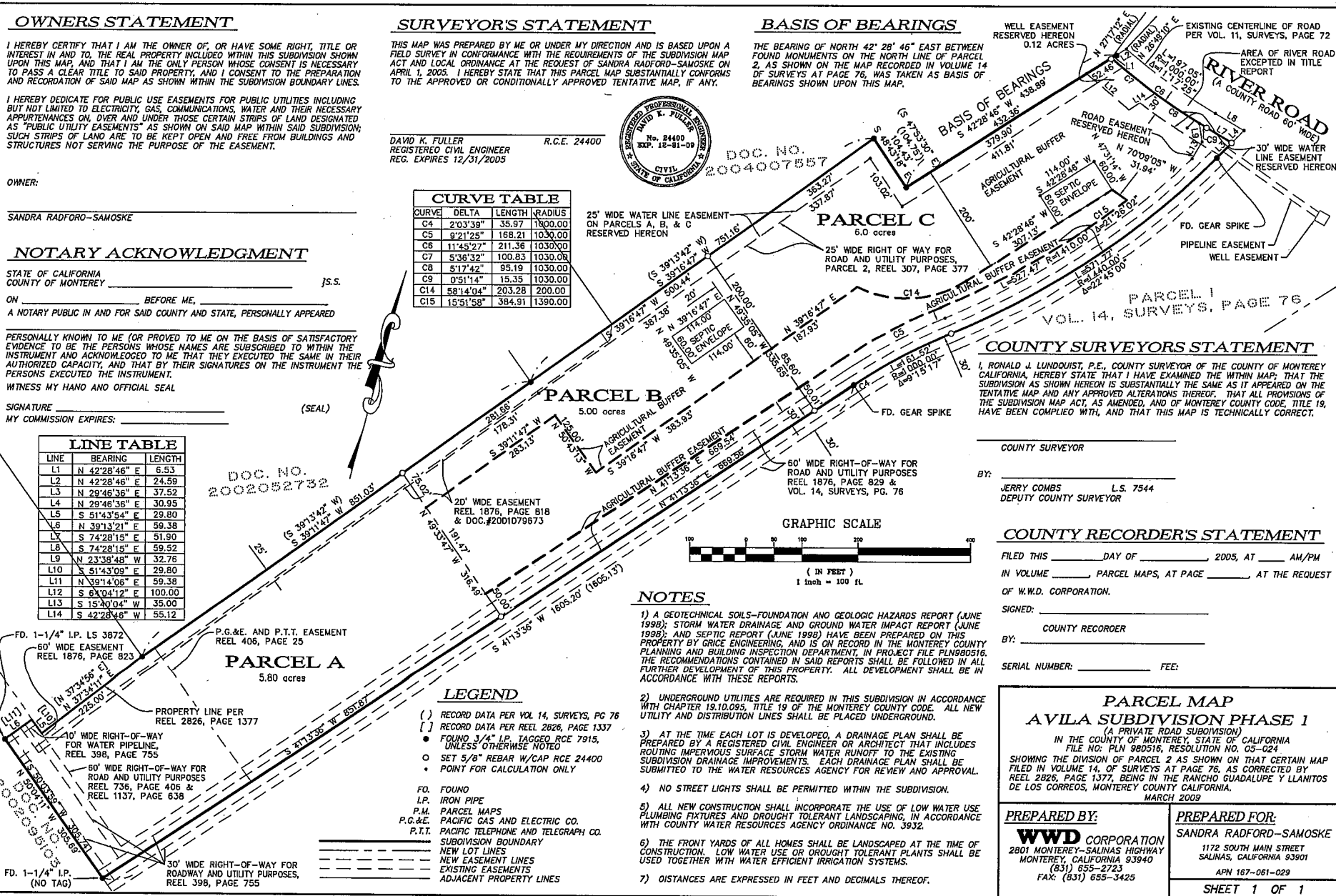
THE BEARING OF NORTH 42° 28' 46" EAST BETWEEN FOUND MONUMENTS ON THE NORTH LINE OF PARCEL 2, AS SHOWN ON THE MAP RECORDED IN VOLUME 14 OF SURVEYS AT PAGE 76, WAS TAKEN AS BASIS OF BEARINGS SHOWN UPON THIS MAP.

CURVE TABLE

CURVE	DELTA	LENGTH	RADIUS
C4	2°03'39"	35.97	1800.00
C5	9°21'25"	168.21	1030.00
C6	11°45'27"	211.36	1030.00
C7	5°36'32"	100.83	1030.00
C8	5°17'42"	95.19	1030.00
C9	0°51'14"	15.35	1030.00
C14	58°14'04"	203.28	200.00
C15	15°51'58"	384.91	1390.00

DOC. NO. 2004007557

WELL EASEMENT RESERVED HEREON 0.12 ACRES
EXISTING CENTERLINE OF ROAD PER VOL. 11, SURVEYS, PAGE 72
AREA OF RIVER ROAD EXCEPTED IN TITLE REPORT
RIVER ROAD (A COUNTY ROAD 80' WIDE)
30' WIDE WATER LINE EASEMENT RESERVED HEREON
FD. GEAR SPIKE
PIPELINE EASEMENT
WELL EASEMENT



COUNTY SURVEYORS STATEMENT

I, RONALD J. LUNDOQUIST, P.E., COUNTY SURVEYOR OF THE COUNTY OF MONTEREY CALIFORNIA, HEREBY STATE THAT I HAVE EXAMINED THE WITHIN MAP; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF. THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF MONTEREY COUNTY CODE, TITLE 19, HAVE BEEN COMPLIED WITH, AND THAT THIS MAP IS TECHNICALLY CORRECT.

COUNTY SURVEYOR _____

BY: JERRY COMBS L.S. 7544 DEPUTY COUNTY SURVEYOR

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2005, AT _____ AM/PM IN VOLUME _____, PARCEL MAPS, AT PAGE _____, AT THE REQUEST OF W.W.D. CORPORATION.

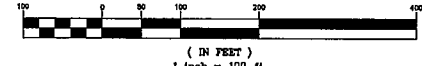
SIGNED: _____ COUNTY RECORDER

SERIAL NUMBER: _____ FEE: _____

NOTES

- 1) A GEOTECHNICAL SOILS-FUNDATION AND GEOLOGIC HAZARDS REPORT (JUNE 1998); STORM WATER DRAINAGE AND GROUND WATER IMPACT REPORT (JUNE 1998); AND SEPTIC REPORT (JUNE 1998) HAVE BEEN PREPARED ON THIS PROPERTY BY GRICE ENGINEERING, AND IS ON RECORD IN THE MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT, IN PROJECT FILE PLB80516. THE RECOMMENDATIONS CONTAINED IN SAID REPORTS SHALL BE FOLLOWED IN ALL FURTHER DEVELOPMENT OF THIS PROPERTY. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THESE REPORTS.
- 2) UNDERGROUND UTILITIES ARE REQUIRED IN THIS SUBDIVISION IN ACCORDANCE WITH CHAPTER 19.10.095, TITLE 19 OF THE MONTEREY COUNTY CODE. ALL NEW UTILITY AND DISTRIBUTION LINES SHALL BE PLACED UNDERGROUND.
- 3) AT THE TIME EACH LOT IS DEVELOPED, A DRAINAGE PLAN SHALL BE PREPARED BY A REGISTERED CIVIL ENGINEER OR ARCHITECT THAT INCLUDES ROUTING IMPERVIOUS SURFACE STORM WATER RUNOFF TO THE EXISTING SUBDIVISION DRAINAGE IMPROVEMENTS. EACH DRAINAGE PLAN SHALL BE SUBMITTED TO THE WATER RESOURCES AGENCY FOR REVIEW AND APPROVAL.
- 4) NO STREET LIGHTS SHALL BE PERMITTED WITHIN THE SUBDIVISION.
- 5) ALL NEW CONSTRUCTION SHALL INCORPORATE THE USE OF LOW WATER USE PLUMBING FIXTURES AND DROUGHT TOLERANT LANDSCAPING, IN ACCORDANCE WITH COUNTY WATER RESOURCES AGENCY ORDINANCE NO. 3932.
- 6) THE FRONT YARDS OF ALL HOMES SHALL BE LANDSCAPED AT THE TIME OF CONSTRUCTION. LOW WATER USE OR DROUGHT TOLERANT PLANTS SHALL BE USED TOGETHER WITH WATER EFFICIENT IRRIGATION SYSTEMS.
- 7) DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

GRAPHIC SCALE



LEGEND

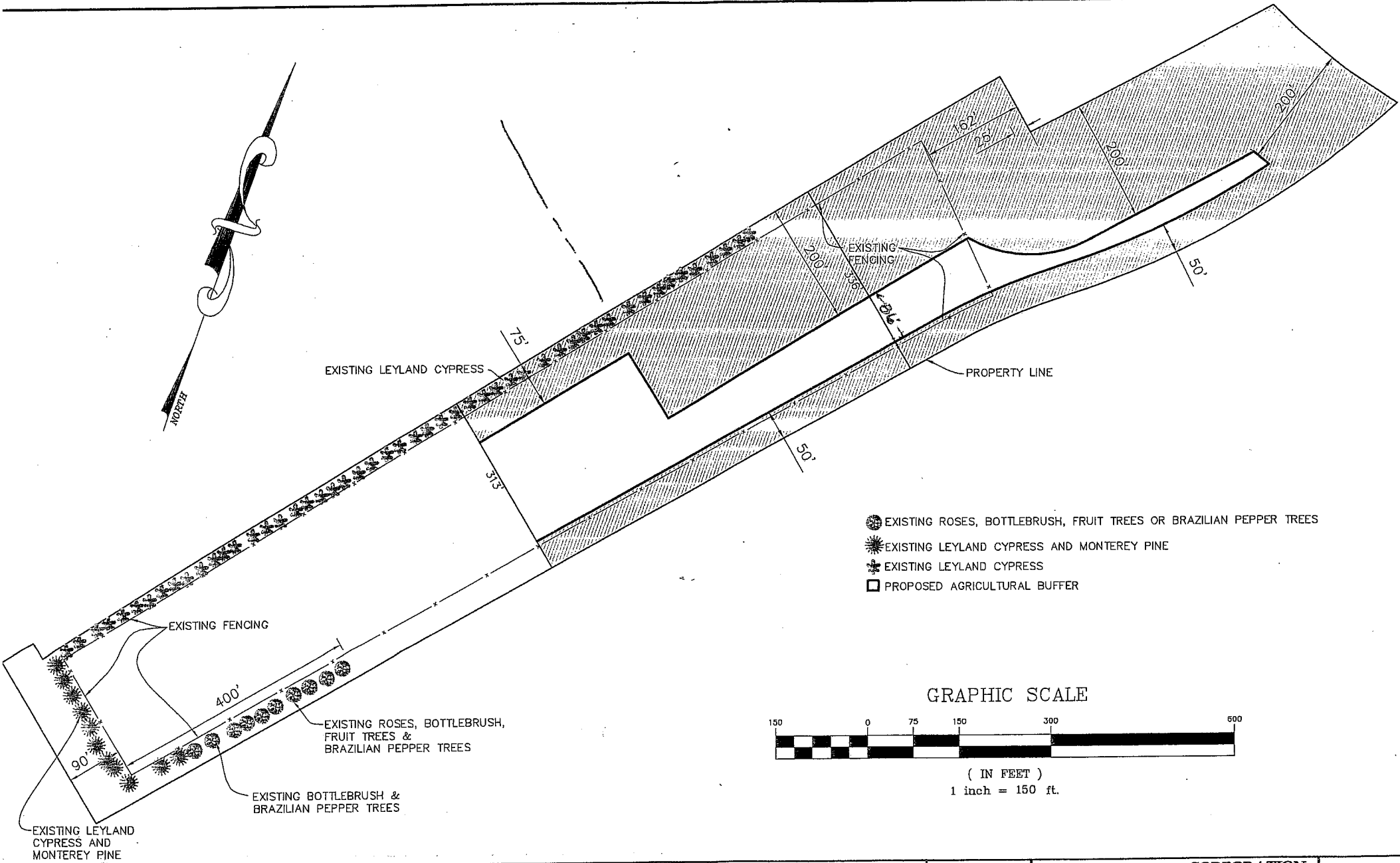
- () RECORD DATA PER VOL 14, SURVEYS, PG 76
- [] RECORD DATA PER REEL 2826, PAGE 1337
- FOUND 3/4" I.P. TAGGED RCE 7915, UNLESS OTHERWISE NOTED
- SET 5/8" REBAR W/CAP RCE 24400
- POINT FOR CALCULATION ONLY
- FD. FOUND
- I.P. IRON PIPE
- P.M. PARCEL MAPS
- P.G.&E. PACIFIC GAS AND ELECTRIC CO.
- P.T.T. PACIFIC TELEPHONE AND TELEGRAPH CO.
- SUBDIVISION BOUNDARY
- NEW LOT LINES
- NEW EASEMENT LINES
- EXISTING EASEMENTS
- ADJACENT PROPERTY LINES

PARCEL MAP AVILA SUBDIVISION PHASE I

(A PRIVATE ROAD SUBDIVISION) IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA FILE NO: PLN 980516, RESOLUTION NO. 05-024 SHOWING THE DIVISION OF PARCEL 2 AS SHOWN ON THAT CERTAIN MAP FILED IN VOLUME 14, OF SURVEYS AT PAGE 76, AS CORRECTED BY REEL 2826, PAGE 1337, BEING IN THE RANCHO CUADALUPE Y LLANITOS DE LOS CORREOS, MONTEREY COUNTY CALIFORNIA. MARCH 2009

<p>PREPARED BY: WWD CORPORATION 2801 MONTEREY-SALINAS HIGHWAY MONTEREY, CALIFORNIA 93940 (831) 655-2723 FAX: (831) 655-3425</p>	<p>PREPARED FOR: SANDRA RADFORD-SAMOSKE 1172 SOUTH MAIN STREET SALINAS, CALIFORNIA 93901 APN 167-081-029 SHEET 1 OF 1</p>
--	--

EXHIBIT G



GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.

PREPARED FOR:
JOSEPH SAMOSKE

REVISED
AGRICULTURAL
BUFFER

DRAWN BY: CAL
DESIGNED BY: DEF
DATE: 01-31-09
SCALE: 1" = 150'
JOB NUMBER: 04-033
LAST REVISED:
REVISED BY:

WWD CORPORATION
ENGINEERING - SURVEYING
PLANNING - CONSULTANTS
2801 MONTEREY - SALINAS HIGHWAY
MONTEREY, CALIFORNIA 93940
TEL: (831) 655-2723 FAX: (831) 655-3425
E-MAIL: MAIL@WWDENGINEERING.COM

SHEET 1
OF
1 SHEETS

EXHIBIT H

MONTEREY COUNTY

AGRICULTURAL COMMISSIONER

AGRICULTURAL COMMISSIONER/WEIGHTS & MEASURES SEALER

1428 ABBOTT STREET - SALINAS, CALIFORNIA 93901
PHONE: (831) 759-7325 FAX: (831) 422-5003



Date: February 12, 2009
To: Agricultural Advisory Committee
From: Bob Roach, Assistant Agricultural Commissioner
Subject: Mohsin-Samoske Project (PLN9805016)
Review and Update of Ag Viability Report

On February 3, 2009, I met with Mr. Gary Knott regarding the Agricultural Suitability and Land Capability Assessment (ASLCA) prepared for the project. Mr. Knott had recently found some documents indicating that Mr. Avila, the previous owner of the Mohsin parcels, had prepared a draft report for the consultants, Rush, Marcroft and Associates. Mr. Knott felt this indicated that the report was "ghostwritten" and biased, and he had some specific comments on the ratings that seemed to merit further consideration. After consultation with the Planning Department, the Agricultural Commissioner decided to thoroughly review and update the report.

I contacted Mr. Dale Rush, the principal of Rush, Marcroft and Associates. Mr. Rush was familiar with the report. He said that Mr. Avila received from sources unknown a copy of a similar report they had prepared for a property nearby. Mr. Avila used that as a template and inserted information on his project in an attempt to reduce the consultant's cost. However, Mr. Rush told me that they thoroughly and independently reviewed the information provided and produced their own report, and that that report is an accurate assessment of the properties. Mr. Rush said that the methodology used was developed in Tulare County and has been widely used and accepted.

I procured a copy of the paper cited in the report, "Defining Prime Agricultural Land in California" (J.P. Reganold and M. Singer. 1978. Environmental Quality Series No. 29. University of California, Davis). This paper briefly described the "Tulare County Plan." I then contacted the County of Tulare and obtained a copy of their "Rural Valley Lands Plan" (RVLP). These sources provided further explanations of some of the rating criteria. The ASLCA is a variant of the RVLP.

The following are the criteria that were changed or required clarification:

1. USDA Capability Class

The ASLCA used a more refined system than the RVLP to evaluate the soil capability. Since the parcels contained more than one soil type, a weighted point system was used to develop an average rating. Using a Geographical Information System (GIS) we re-evaluated the soils present in the project footprint, which has changed slightly. The soil capability rating did not change. Slight discrepancies in the acreages result from the method used to translate the Mohsin project footprint into the GIS.

2. Size/Shape of Parcel

The ASLCA gave the highest ratings (four points) because each parcel was greater than 15 acres. On the Samoske parcel, if the area of the present home site were to be excluded, the remainder would be less than 15 acres. To be conservative, the higher rating was retained on the Samoske parcel.

3. Current Use

In the ASLCA prepared in 1997, the Mohsin property received one point because it was then being grazed. That is no longer the case, so one point was deducted.

4. Irrigability

The ASLCA rated both properties zero. According to Mr. Rush, this was because there was no proven agricultural water source, of sufficient quantity and quality, on either parcel. However, both parcels are in Monterey County Water Resources Agency Zone 2C and are paying the assessment for the maintenance and operation of the two reservoirs and for the Salinas Valley Water Project. Therefore, I added one point here for each parcel, because they at least have some potential to develop agricultural water sources.

5. Land Uses of Adjoining Parcels

The Samoske Parcel received one additional point because of the adjacent agricultural uses on the Jardini and the Pedrazzi properties. Jardini had a small vineyard. He has obtained an Operator Identification Number (OIN) from the Agricultural Commissioner to report his pesticide use, indicating he is involved in commercial agriculture. The Pedrazzis have an active cattle operation that intermittently has cattle present near the Samoske parcel. Because of the size and nature of these adjacent agricultural uses, only one point of the two possible points was scored.

The Knott property, adjacent to Mohsin, has a small vineyard (1,500 vines) that is not in commercial production as evidenced by the fact that Mr. Knott has not applied for an OIN. He indicated to our office when contacted that he is not selling any of the grapes or wine and therefore is not in commercial production, although he hopes to expand the vineyard in the future.

6. Proximity to Nuisance Areas (Inharmonious to Development)

The RVLPA clarified this criterion. The Pedrazzi cattle operation is an intermittent nuisance. The Agricultural Advisory Committee rejected the agricultural buffer plan presented to them, which reduced the required 200-foot buffer to 75 feet, based on the use of the Pedrazzi property. The Samoske parcel was scored one additional point based on this intermittent nuisance.

7. Proximity to Agricultural Preserves

While there are no agricultural preserves adjacent to the project footprint, the area is surrounded by Williamson Act contracts. Each parcel was scored an additional point.

8. Proximity to Fire Stations

The Salinas Rural Fire Protection District has a station in Chualar, 3.2 miles from the project site. Each parcel was scored one less point.

Discussion:

The final scores increased slightly. The ASLCA and the RVLP specify that a score of 11 or less indicates few agricultural attributes and conversion to non-agricultural uses may be considered. The portion of the Mohsin parcel evaluated changed from seven to eight points and the Samoske parcel changed from eight to twelve points. If the Samoske's existing home site were removed from consideration, the Samoske parcel would receive one less point for having less than 15 acres available for cultivation. If the size of the Samoske parcel were to be considered irregular due to its long narrow shape, this rating would be two points less. In addition, the presence of the cattle operation adjacent to Samoske would make the cultivation of leafy greens or other vegetable crops problematical due to food safety requirements. Under the RVLP of Tulare County, scores from 12 to 16 are a "gray area" and indicate that conversion may be allowed based on other factors, and that the project should proceed to the Planning Commission or the Board of Supervisors. Scores above 17 indicate that the lands should remain in agriculture.

I spoke to University of California Cooperative Extension Farm Advisor Larry Bettiga. Mr. Bettiga was asked in 2004 to evaluate the Knott property for its agricultural potential and is familiar with the area. His opinion is that perennial crops such as wine grapes or citrus can be grown in the area. Other grapes grown in the vicinity show acceptable growth and development. Because this area is on the northern climatic edge of where wine grapes are grown in the Salinas Valley, the varieties that can be grown are limited. Pinot noir, Pinot gris and Chardonnay would be good choices. This area is north of the desirable Santa Lucia Mountain appellation but the soils and climate are similar to the northern part of that appellation. When the climate is just warm enough to adequately ripen the fruit, high quality is often achieved. Production levels might be expected to be low. Lemons may also have potential, if grown at a higher elevation in a frost-free area.

Attachments: 1-A – Soil Ratings Chart
1-B – Ag Suitability Assessment
2 – Ortho Photo with Proposed Plan
3 – Soil Capability Ratings
4 – Soil Types
5 – Williamson Act Ag Preserves
6 – Farmland Mapping and Monitoring Program Land Use Classifications
7 – Size of Nearby Parcels
8 – Samoske Parcel

**ATTACHMENT C-1A
Soils Rating Chart**

Mohsin-Samoske Soil Capability Ratings

Soil Capability Ratings were assigned as follows:

Class I	7 pts
Class II	6 pts
Class III	5 pts
Class IV	4 pts
Class V	3 pts
Class VI	2 pts
Class VII	1 pt
Unusable	0 pts

Alternative Plan Parcel Stats : Mohsin-Samoske Soil Capability Rating

Parcel: 167-061-033 Mohsin (the most northerly 50 acres)

Soil Unit	# Acres	% of Total	Capability	Value	Point Total
AsB	5.02	9.4%	IIIe-4	5	0.47
GhC	37.87	71.3%	IIIe-3	5	3.56
GhD	2.44	4.6%	IVe-3	4	0.18
Xb	3.86	7.3%	VIIe-1	1	0.07
Xd	3.94	7.4%	VIIe-1	1	0.07
Total	53.13	100.0%			

Average Capability Rating (all soils on parcel): **4.37**

The overall capability rating for this parcel is between Class III and Class IV - **Not Prime**

Parcel 167-061-29 - Samoske

Soil Unit	# Acres	% of Total	Capability	Value	Point Total
AsB	9.41	55.6%	IIIe-4	5	2.78
CbC	7.52	44.4%	IIe-1	6	2.67
Total	16.93	100.0%			

Average Capability Rating (all soils on parcel): **5.44**

The overall capability rating for this parcel is between Class II and Class III - **Not Prime**

Agricultural Suitability Assessment
Monterey County - Mohsin-Samoske

Criterion	Possible Points	Mohsin	Samoske
USDA Capability Class			
Class I	6		
Class I-II	5		
Class II	4		
Class II-III	3		3
Class III	2		
Class III-IV	1	1	
Class IV or Lower	0		
Size/Shape of Parcel			
>15 acres	4	4	4
5-15 acres/Regular	3		
5-15 acres/Irregular	2		
<5 acres	0		
Current Use			
Currently in irrigated agriculture	4		
Currently in non-irrigated agriculture	3		
Currently grazed (active rangeland)	2		
Mixed (fallow agriculture/rangeland)	1	1	1
No agriculture/range use possible	0		
Irrigability			
Irrigation water available, delivery system in place	4		
Irrigation water available, no delivery system	2		
Irrigation water potentially available (Zone 2c)	1	1	1
No irrigation water available	0		
Nearby Parcel Sizes			
Less than 35% of nearby parcels are < 5 acres	2		
Over 35% of nearby parcels are < 5 acres	0	0	0
Land Uses of Adjoining Parcels			
All adjacent parcels agricultural	2		
Some adjacent parcels in agriculture	1		1
No adjacent parcels in agriculture	0	0	
Proximity to Nuisance Area (Inharmonious to development)			
Nuisance uses nearby	2		
Intermittent nuisance uses nearby	1		1
Commercial zoning or no nuisances	0	0	
Soil Permeability/Groundwater Proximity to Surface			
Permeability soil/GW within 20' from surface	2		
Low permeability soils/GW > 20' from surface	0	0	0
Proximity to an Agricultural Preserve			
Near ag preserve	1	1	1
Not near ag preserve	0		
Proximity to Fire Station			
Over 5 miles from a fire station	1		
Near a fire station	0	0	0
Direct Access to Paved Road			
No direct access	1		
Direct access to paved road	0	0	0
Access to Domestic Water			
No access to domestic water supplies	1		
Access to domestic water supplies	0	0	0
TOTALS	30	8	12

Parcel Totals	Score	Rating
Mohsin	8	Low
Samoske	12	Marginal

Ratings Based on Scores

- 17-30: Strong agricultural attributes; should remain in agriculture
- 11-17: Marginal ag attributes; conversion may be allowed based on other overriding factors
- 0-11: Few ag attributes; may consider conversion to non-agricultural uses

Leak may spur fines

County seeks answers on fumes that sickened 60

Calif
10-7-05



RICHARD GREEN/THE SALINAS CALIFORNIAN

A tractor moves across a field Thursday morning, a street away from homes along Boronda Road. About 60 people from a northeast Salinas neighborhood were exposed to an airborne agricultural chemical Wednesday night near Constitution Boulevard and Boronda Road.

By ZACHARY STAHL
and KIMBERLY CHASE
The Salinas Californian

Investigators have identified the chemical that caused at least 60 northeast Salinas residents to experience eye and throat irritation Wednesday night and say it probably was applied incorrectly to a strawberry field off Boronda Road.

The Monterey County Agricultural Commissioner's Office, along with the Monterey County Department of Environmental Health, are investigating the incident, which caused 11 emergency calls and led at least two people in the Creekbridge neighborhood to seek hospital treatment.

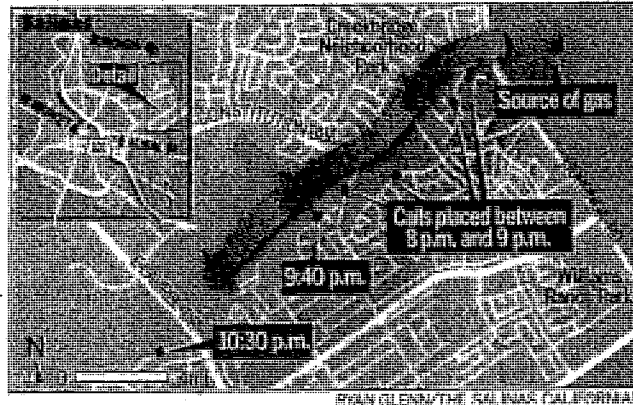
A soil fumigant called chloropicrin was applied through a drip-irrigation system on a field about a quarter-mile from residences, said Eric Lauritzen, Monterey County's ag commissioner.

Lauritzen said Thursday a mistake likely was made in the application, causing the airborne chemical to spread into Creekbridge along the valley of Natividad Creek.

He would not disclose the name of the grower or pesticide applicator while the investigation is pending but

How fumes spread

A 9-1-1 dispatcher provided these times and locations for citizen reports of illness or discomfort as chloropicrin gas spread southwest into a Creekbridge neighborhood:



THE BIG QUESTION

G SOUND OFF: Has Wednesday's chemical exposure in Salinas heightened your concerns about living so close to agricultural fields? Respond at www.thecalifornian.com.

said if they are found at fault for the incident they could face up to \$5,000 in fines per violation.

"It's still unacceptable that that occurred," Lauritzen said. "We will do what we can to prevent it from occurring and take appropriate action in the event that there was a proven violation."

The chloropicrin application started Wednesday morning and was completed

in the afternoon, with residents' complaints starting about 9 p.m., said Bruce Welden, supervising hazardous-materials specialist with the county Health Department.

The field was covered with a plastic film designed to keep the gas in the soil, and no holes were found in it, Lauritzen said.

See LEAK, Page 3A

From Page 1A

A rare type of leak

Welden said pesticide leaks this large are very rare; and typically only one or two people call in with symptoms. He said unusual winds carried the irritant toward the Creekbridge neighborhood Wednesday night.

"It moved along the creek, probably because it's heavier than air, but also because the wind was blowing from the east and it created a natural conduit," he said.

Welden said that it is relatively uncommon for the winds to blow in this direction and that it is possible that this type of incident has happened before and no one noticed.

But for scores of residents in a 1/2- by 3/4-mile area near Boronda and Constitution Boulevard, the chemical was immediately irritating to the eyes, respiratory tract and caused tightness in the chests of those exposed.

"Basically, it is the same thing as tear gas," said Glenn Brank, spokesman for the California Department of Pesticide Regulation.

Welden said there aren't long-term health issues related to chloropicrin exposure, although officials advised that those who have lingering effects should go to a hospital.

Senate Bill 391, which became law in January, places the financial burden of medical costs on the grower or applicator who is responsible for a pesticide-use violation.

Lauritzen said his office is reviewing whether the bill will apply to this case.

Overall, state and county pesticide regulators said the incident was an anomaly

LEAK Investigation

WHAT'S NEXT

The Monterey County Agricultural Commissioner's Office and Department of Environmental Health will continue their investigation into what caused a chemical leak Wednesday night in northeast Salinas and impose fines if the grower or applicator is found at fault for pesticide-use violations.

and strict regulations are in place to prevent exposure to soil fumigants, which are used to sterilize the soil from insects, disease and weeds before crops are planted.

"There are thousands of fumigants applications in California every year," Brank said. "The vast majority of these fumigations occur without incident."

In Monterey County between 2000 and 2003, a total of 142 definite and probable, ag-related pesticide illnesses were reported, according to the state DPR.

Farm workers affected most

The majority of these incidents involved farm workers, and ag officials said it is rare that residents are exposed to pesticides.

The last incident in the county that involved an application of chloropicrin was in 2000, when nine workers got ill while toiling in an adjacent field, Brank said.

Since 1992, there have been 28 reported chloropicrin incidents in California with a total number of 259 illnesses.

California Rural Legal Assistance, which advocates for farm workers and the rural poor, is awaiting the results of the investigation to see what caused the Salinas leak.

BY THE NUMBERS

The number of reported pesticide-related illnesses in Monterey County since 1996, reflecting cases where pesticides were both the definite and possible cause of people becoming sick:

YEAR	CASES		
	Ag	Non-ag	Total
1996	49	18	67
1997	32	9	41
1998	39	11	50
1999	21	13	34
2000	84	9	93
2001	17	2	19
2002	30	16	46
2003	11	7	18

— SOURCE: California Department of Pesticide Regulation

"Any time we hear about toxic chemicals leaking, it's a great concern for us," said Georgina Mendoza, an attorney with CRLA.

She said her organization now has a case in Kern County based on the October 2003 exposure of about 165 people to chloropicrin in Weed Patch, a residential area near Bakersfield.

Mendoza said it's too early to determine whether Wednesday's incident could lead to a lawsuit.

The use of chloropicrin has risen steadily since 1997 because methyl bromide, another fumigant typically used on strawberries, is scheduled to be phased out this year due to its contribution to depletion of the ozone layer.

Common in Monterey County

Monterey County was the top applicator of chloropicrin in 2003, with more than 1.3 million pounds applied.

The U.S. Environmental Protection Agency is re-evaluating the fumigant to see whether new protective

restrictions are needed beyond such things as usage rates, buffer zones and tarps.

The Pesticide Action Network North America, a chemical watchdog group based in San Francisco, is calling for the ban of all fumigants and for the EPA to start developing non-toxic alternatives to pest management.

"These chemicals are proving themselves too dangerous to be used safely, said Susan Kegley, senior scientist with the Pesticide Action Network. "We can't have whole communities being poisoned."

The California Strawberry Commission defends the use of fumigants to protect strawberries from pests.

"It gets the ground really cleaned up so that strawberry plants will survive," said Abby Taylor, spokeswoman for the commission.

With Salinas surrounded by agricultural areas, a question is arising as planners look at new developments: How close is too close? On nearly every side of the city's perimeter, residential areas are separated from cropland by only the width of a roadway.

Welden said there's been discussion in the county about creating buffers between agricultural and residential areas.

"Agricultural buffers are a wonderful way to reduce these types of conflicts," he said.

Contact Zachary Stahl at zstahl@gannett.com and Kimberly Chase at kchase@gannett.com.

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Map

Calif 10-7-05

Fumes worry neighborhood

Affected residents express concern about their safety

By VICTOR CALDERON
The Salinas Californian

Alan Perkins had just finished dinner at his mom's northeast Salinas condominium Wednesday evening when he stepped onto a deck for some fresh air.

MORE

Q&A: About chloropicrin/3A

About three minutes later, he came back inside complaining of nausea with his eyes watering.

Perkins' mother, Rebecca Mauras, said that at first she thought her son was having a reaction to the meal she'd served at her condo for him and his fiancée.

But then Perkins' face turned white and later gray. Within minutes, Mauras and her future daughter-in-law, Wendy Beasley, also were experiencing eye irritation and suspected it wasn't the food.

It would prove to be the beginning of a long night for them and about 60 other residents in the neighborhood who were exposed to an airborne agricultural pesticide.

"It was a scary moment, not knowing what was going on," Mauras said Thursday.

See NEIGHBORHOOD, Page 3A

NEIGHBORHOOD/ Residents say they felt better on Thursday

From Page 1A

She said she started to feel suspicious when neighbors at her condominium complex on Nogal Drive also began to complain of eye and throat irritation.

Investigators said Thursday a soil fumigant called chloropicrin was applied through a drip irrigation system on a strawberry field about a quarter-mile from residences off of Boronda Road.

Mauras said she got up several times during the evening to wash out her eyes and woke Thursday morning with swollen eyes. Perkins and Beasley were feeling better Thursday, she said.

A sampling of residents in the Creekbridge neighborhood found many still in a state of disbelief about the incident but also concerned about the risk of future chemical exposure.

Salvador Oseguera said he was sitting on his front lawn on Rhode Island Street and went inside as it became dark out. As he stepped into the house, he said, his eyes were irritated and he had a headache. His family was also experiencing similar symptoms after being outside earlier in the day.

"We didn't know what it was; we thought it might have been a gas leak or something," Oseguera said

in Spanish. "We were concerned, so we went inside and closed all the doors and windows."

He said he was especially concerned for his 10-month-old son, who was showing flu-like symptoms Thursday morning but improved throughout the day.

As an agricultural worker, Oseguera said he is familiar with the risks of being contaminated by chemicals in the field but didn't expect it to hit close to home.

"You think your family's safe when they're outside, but with the fields so close, who knows?" he said.

Salinas City Councilwoman Jyl Lutes, whose district includes Creekbridge, said the incident showed the potential for problems when agricultural fields and urban development are next to each other.

"I'm a little furious because this is a family neighborhood," Lutes said. "I want to know how this happened because it is unacceptable."

Mauras said she did not plan to take any legal action but is just thankful it didn't turn out worse.

"Thank God it wasn't a deadly toxin," she said. "But it was a pretty big faux pas that should never have happened."

Contact Victor Calderon at vcalderon@gannett.com.

Calif
1-11-2007

AGRICULTURE

Group seeks people sickened by chemical leak

Soil fumigant escaped during application in '05

By VICTOR CALDERON
The Salinas Californian

A group that pushes for stricter pesticide regulation is seeking Salinas residents

who were sickened by chloropicrin drift during an accident in 2005.

The group, Pesticide Action Network of North America, said Monday it's seeking personal stories that can show federal investigators the dangers of the chemical and encourage the agency to halt its use.

About 60 people in northeast Salinas experienced

TO GET INVOLVED

If you are a worker or resident who experienced health problems after a chemical leak in northeast Salinas in October 2005, call the Pesticide Action Network of North America at (415) 981-1771, ext. 355, or e-mail stephenie@panna.org. You may choose to remain anonymous.

throat and eye irritation after being exposed to the soil fumigant chloropicrin Oct. 5, 2005. The chemical was applied to a field nearby to

prepare the soil for strawberries, but a leak allowed it to escape and spread into a nearby neighborhood.

Now, the Environmental

Protection Agency has issued a federal review on the use of chloropicrin and San Francisco-based PANNA is looking for people who experienced health problems in Salinas.

"What would be most compelling in the argument against chloropicrin would be personal stories," said Stephenie Hendricks, com-

See LEAK, Page 3A

LEAK/ Buffer zones are sought

From Page 1A

munications director for PANNA.

The EPA has opened public comment on the chloropicrin review with a deadline of Jan. 29 for people to reply to the federal register by mail or online.

PANNA hopes to speak to farm workers who worked in the fields around the affected site along Boronda Road or residents in the Creekrbridge neighborhood who were sickened by the leak. People may choose to remain anonymous, she said.

Scientists say undiluted chloropicrin causes severe irritation to the upper respiratory tract, eyes and skin upon direct contact. Symptoms include teary or irritated eyes, shortness of breath and nausea.

PANNA would at least like to see required buffer zones and notification for residents close to the fields where the fumigant is used.

"We're working to have chloropicrin phased out, because it's a fumigant that's dangerous to agricultural workers and people living in ag areas," Hendricks said.

Contact Victor Calderon at vcalderon@thecalifornian.com.