

MONTEREY COUNTY PLANNING COMMISSION

Meeting: June 30, 2010 Time: 10:30 a.m.	Agenda Item No.: 5
Project Description: Harper Canyon (Encina Hills) Subdivision Proposal. The proposal is a Combined Development Permit request consisting of: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) a Use Permit for the expansion of a public water system; 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval.	
Project Location: Approximately 2,000 feet southeast of State Route 68 off of the northeast side of San Benancio Road.	APN: 416-611-001-000 and 416-611-002-000
Planning File Number: PLN000696	Owners: Harper Canyon Realty, LLC Agent: Mike Cling
Plan Area: Toro Area Plan	Flagged and staked: No
Zoning Designation: RDR/5.1-D [Rural Density Residential, 5.1 acres per unit with Design Control Overlay] and LDR/1 [Low Density Residential, 1 acre per unit]	
CEQA Action: EIR	
Department: RMA - Planning Department	

RECOMMENDATION: Staff recommends that the Planning Commission adopt a Resolution (**Exhibit C**) to:

1. Certify the Final Environmental Impact Report (SCH: 2003071157) (**Exhibits F, G and H**) and Adopt a Finding of Overriding Considerations;
2. Approve a Combined Development Permit subject to Findings and Evidence within the Draft Resolution (**Exhibit C**) and Conditions of Approval (**Exhibit C, Attachment 1**); and
3. Approve a Mitigation Monitoring and Reporting Plan (**Exhibit C, Attachment 1**).

PROJECT OVERVIEW:

The application for the proposed project was deemed complete on November 22, 2002. An Initial Study/Mitigated Negative Declaration was prepared for the project in July 2003. The Planning Commission considered the project on January 12, 2005, and directed staff to prepare an Environmental Impact Report for the project. The project applicant appealed the decision by the Planning Commission to the Board of Supervisors; however, prior to the Board of Supervisors hearing, the applicant withdrew their request for a hearing on the matter and acknowledged the Planning Commission's direction to cause an EIR to be prepared.

The Draft Environmental Impact Report (DEIR) for the proposed project was prepared and circulated in October 2008, and evaluated the potential for impacts to land use, geology and soils, biology, cultural resources, transportation and circulation, air quality, noise, hydrology and water quality, aesthetics, light and glare, public services and utilities and wastewater disposal. Following the end of the public review period for the DEIR, the staff determined that significant new information existed and directed the consultant to address certain traffic issues raised during the public review period by recirculating relevant portions of the document as a Recirculated Draft EIR (RDEIR). These changes are specifically limited to Section 3.10, Transportation and Circulation. Significant new information addressed by the RDEIR includes, but is not limited to, the adoption of the Regional Development Impact Fee by the Transportation Agency of Monterey County (TAMC) and the language of traffic mitigation measures.

The EIR concluded that most impacts can be reduced to a less than significant level with mitigation, but that project impacts to the level of service (LOS) of Highway 68 at the intersections of Laureles Grade and York Road and to the segments along Highway 68 between York Road and Pasadera Drive, between Pasadera Drive and Laureles Grade and between Laureles Grade and Corral De Tierra would be

significant and unavoidable. Mitigation measures are incorporated into the condition matrix (**Exhibit C, Attachment 1**). A draft Finding of Overriding Considerations is included in Exhibit C.

The FEIR was prepared to respond to the public comments received on the DEIR and RDEIR (Transportation and Circulation) and was made available June 14, 2010.

The EIR included three alternatives that would avoid or further reduce the impacts of the project, including a "no-build" project scenario. These alternatives are compared within Chapter 4.0 of the EIR, Alternatives to the Project.

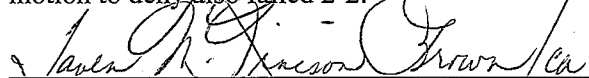
Staff has considered the EIR and the Combined Development Permit components of the Vesting Subdivision Map, minimal tree removal, minimal development on slopes in excess of 30%, expansion of the water system, grading and Design Approval and recommends that that applicant's proposal be approved, subject to the recommendations above. Should the Commission wish to approve the project, the Commission will certify the EIR, adopt a Finding of Overriding Considerations and then approve the Project, subject to conditions and mitigation measures.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- | | |
|---------------------------------|--|
| ✓ Water Resources Agency | ✓ Redevelopment and Housing Office |
| ✓ Environmental Health Division | ✓ Salinas Rural Fire Protection District |
| ✓ Public Works Department | ✓ Parks Department |

Conditions recommended by the Environmental Health Division, Public Works, Salinas Rural Fire District, Parks Department, Water Resources Agency, and Office of Redevelopment and Housing have been incorporated into the Condition Compliance and Mitigation Monitoring Reporting Plan (**Exhibit C, Attachment 1**).

LUAC RECOMMENDATION: The Toro Land Use Advisory Committee (LUAC) reviewed this project at its July 14, and July 28, 2003 meetings (Exhibit I, LUAC minutes.) The LUAC conducted a site visit July 28, 2003 and voted on two motions. One motion to approve failed 2-2, and the second motion to deny also failed 2-2.



Taven M. Kinison Brown, Planning Services Manager
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June 23, 2010

cc: Front Counter Copy; Planning Commission; Public Works; Water Resources Agency; Environmental Health; Parks Department; Salinas Rural Fire Protection District; Housing and Redevelopment Agency, Alana Knaster, Deputy Director, RMA; Carl Holm, Assistant Planning Director; Wendy Strimling, County Counsel; Taven M. Kinison Brown, Project Planner; Carol Allen, Senior Secretary; Commenters on the Draft EIR; Harper Canyon Realty, Owner; Agent Mike Cling and Joel Panzer; Planning File PLN000696.

Attachments:

- | | |
|-----------|--|
| Exhibit A | Project Data Sheet |
| Exhibit B | Project Discussion |
| Exhibit C | Draft Resolution |
| | Attachment 1 – Condition/Mitigation Matrix |
| Exhibit D | Vicinity Map |
| Exhibit E | Vesting Tentative Map |

This report was reviewed by Alana Knaster, Deputy Director of Resource Management Agency
Note: The Planning Commission decision is appealable to the Board of Supervisors.

EXHIBIT A

Project Information for PLN000696

Project Title: HARPER CANYON REALTY LLC

Location: SAN BENANCIO ROAD - SALINAS **Primary APN:** 416-611-001-000-M

Applicable Plan: Toro Area Plan **Coastal Zone:** No

Permit Type: Standard Subdivision **Zoning:** RDR/5.1 & RDR/5.1-D

Environmental Status: Environmental Impact Report Prepared **Plan Designation:** Toro Area Plan

Advisory Committee: Toro **Final Action Deadline (884):** 11/21/2003

Project Site Data:

Lot size: 343.9 ACRES **Coverage Allowed:** 25%

Existing Structures (sf): 0 **Coverage Proposed:** N/A

Proposed Structures (sf): N/A **Height Allowed:** 30'

Total Sq. Ft.: N/A **Height Proposed:** N/A

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: No **Erosion Hazard Zone:** Moderate

Biological Report #: LIB060470 **Soils Report #:** LIB060463

Forest Management Rpt. #: LIB060467

Archaeological Sensitivity Zone: High **Geologic Hazard Zone:** IV

Archaeological Report #: LIB060466 **Geologic Report #:** LIB060463

Fire Hazard Zone: High **Traffic Report #:** LIB060465

Other Information:

Water Source: Well **Sewage Disposal (method):** Sewer

Water Dist/Co: California American Water Company **Sewer District Name:** California Utilit

Fire District: Salinas Rural Fire District **Grading (cubic yds.):** 2,000.0

Tree Removal: 79 Oak Trees

EXHIBIT B PROJECT DISCUSSION

Project Location and Setting

The project site is located in the Encina Hills area of the Toro Area Plan planning area, approximately 2,000 feet southeast of State Route 68 and east of San Benancio Road. Access to the project site is located off San Benancio Road onto the existing Meyer Road.

The project site is primarily used for grazing land and consists of approximately 344 acres on two existing irregularly shaped parcels, Assessor's Parcel Numbers (APNs) 416-611-001-000 and 416-611-002-000. The terrain is somewhat varied with elevations ranging from 340 feet in the northern portion to approximately 1,020 feet in the southeastern portion of the project site. The area proposed for development contains approximately 97 acres with slopes in excess of 30 percent grade; 41 acres with slopes ranging from 20 to 30 percent; and 27 acres with slopes ranging from 0 to 20 percent slope. Existing improvements on the project site include dirt roads and trails, which meander through both parcels.

Annual grassland, coast live oak woodlands and savannas, coastal scrub, and maritime chaparral cover the undeveloped terrain. The level areas of the project site are covered primarily in grasslands with dense oak woodlands on the steeper slopes. There are several natural drainage areas and seven springs located on the project site, which drains north to El Toro Creek.

Surrounding land uses include similar vacant undeveloped land to the west; unimproved lands in the watershed area and grazing/rangelands to the north and east; Toro Regional Park to the east and south; and single-family residences located along Meyer Road and Rim Rock Canyon Road to the southwest. Also to the south are 14 undeveloped existing lots of record that are not a part of the project.

Proposed Subdivision and Development

The applicant is proposing to subdivide one 344 acre parcel into 17 single-family lots on 164 acres with one 180-acre remainder parcel. The residential lots would have an average density of one dwelling unit per 9.64 acres within the subdivided area, as lots would range in size from 5.13 acres to 23.42 acres, for an average density of 20.29 acres per dwelling unit for the entire 344 acre parcel. Improved lots would be sold individually for the construction of homes. The proposed project will include grading of approximately 2,000 cubic yards of material; removal of 79 coast live oak trees; development on slopes greater than 30 percent, and the expansion of a public water system.

Permits Required

The project will require approval of a Combined Development Permit that includes:

- Subdivision of one 344 acre parcel into 17 single-family lots on 164 acres with one 180-acre remainder parcel
- Use Permit for removal of approximately 79 coast live oak trees;
- Use Permit for development on slopes in excess of 30 percent;
- Use Permit for the expansion of a public water system; and
- Grading and Design Approval.

Other agency approvals include:

- Sewer Extension Agreement with California Utility Services; and
- Water Extension Agreement with California-American Water Company.

Zoning

The majority of the project site is designated as "Rural Density Residential" (RDR/5.1 and RDR/5.1-D), with a small portion of APN 416-611-002-000 designated as "Low Density Residential" (LDR/1). The "Rural Density Residential" designation allows for residential development with a minimum of 5.1 acres per residential unit, and the "Low Density Residential" zoning designation requires a minimum of one acre per unit. Based on the allowable density, up to 67 units could be developed on the site; therefore, the proposed density of 17 units is less than the maximum density of 67 units allowed.

All of the lots would be subject to design review. Development envelopes and building envelopes are designated on each residential lot. Conditions of approval have been recommended to ensure that the final building envelopes are located on slopes of less than 30 percent, avoid ridgeline development, and for those properties adjacent to Toro Park, have building envelopes set back at least 100 feet to allow for control of vegetation and (fire) fuel loads.

Traffic/Circulation

Meyer Road, which intersects with San Benancio Road, would provide local access directly to the project site. Roadway improvements would extend and improve Meyer Road along the general path of an existing dirt road on the project site and serve as the primary on-site circulation route. Portions of the road would be constructed within areas of 30 percent or greater slopes, and would therefore require cut and fill grading. The road would also be widened to 18 feet beginning approximately 1,200 feet from the intersection with San Benancio Road, and right turn tapers would be added at the intersection to the extent practical, as required by the Public Works Department.

Water Supply

The proposed project will be served by two existing off-site wells, to be operated as a satellite system by California-American Water Company (Cal Am). The water system is also proposed to serve all 17 of the proposed residential lots. One well is located near the Oaks Subdivision (Oaks Well), with the second well (New Well) located south of Harper Canyon Road. The wells will be joined to serve both the Oaks and Harper Canyon subdivisions as a small satellite system. Water from the two wells will be sent to the Ambler Park Treatment facility and then returned to serve the Project. The water will be metered to ensure that water is not exported from the B-8 zone to Zone 2C or vice versa. The water system includes two new tanks and required transmission infrastructure.

With respect to potential impacts to ground water resources, the DEIR (pg. 3.6-13) concludes that there would be less than significant impacts since a) the net demand of 12.75 acre feet /year (afy) is exceeded by the net recharge in the San Benancio Gulch Subarea (29.9 afy) and b) both the Monterey County Water Resources Agency and Health Department have concluded that because of the location of the wells (Zone 2C) and Source capacity, the project would have a negligible effect on the aquifer and on neighboring wells.

Wastewater

The proposed project includes extension of the existing sewer system within the right-of-way of proposed roadway improvements. All 17 of the proposed residential units will be connected to the existing sewer system and will be served by California Utilities Service. Three sewage pump stations would serve the proposed project. Two of the pump stations would be located on the project site near Lots #1 and #9 and the third pump station would be located at the end of the road and utility easement near Lot #17. The extended sewer system will tie into the existing main and effluent would be processed at the existing sewer treatment facility located at 16625 Reservation Road in Salinas.

Drainage and Stormwater Runoff

The proposed project includes a stormwater drainage system within the roadway improvements. The stormwater drainage system will collect on-site surface water runoff in catch basins and route it to on-site detention basins throughout the project site, where the stormwater will be allowed to recharge the groundwater basin.

Parks

The project site includes a 180-acre remainder parcel. The project applicant has committed to donating approximately 154-acres of the remainder parcel by deeding the property to the Monterey County Parks Department as an expansion of the adjacent Toro Regional Park (See Parks Department Condition PKSSP001).

Inclusionary Housing

According to the Housing and Redevelopment Office, the project is subject to the Monterey County Inclusionary Housing Ordinance in place at the time the application was deemed complete, which was in November 2002. The applicable Inclusionary Housing Ordinance requires developers to contribute 15 percent of the new residential lots or units as low- and moderate-income units, or require payment of an in-lieu inclusionary housing fee. The Housing and Redevelopment Office has indicated that payment of a \$409,555.50 in-lieu fee (\$160,610 per inclusionary unit, 2.55 equivalent-units required) would satisfy compliance with the Inclusionary Housing Ordinance. Payment of this in-lieu fee is required by conditions of approval.

Project Analysis

Biological Resources

Three vegetation communities are located on the project site, including annual grassland, coast live oak woodland/savanna, and chamise chaparral. Annual grasslands are found throughout the project site and are characterized by a mixture of native perennial species, as well as introduced annual species, all of which are heavily grazed by cattle. Oak woodlands occupy the north-facing slopes and canyon bottoms and the oak savanna occupy drier, east-facing slopes, near the ridge tops. Chamise chaparral occurs near the tops of the ridges or on the steep slopes. These vegetative communities provide habitat for a variety of animal species.

Coast live oak woodlands exist on the site, and the total number of oaks is estimated to be approximately 9,187, with 993 trees greater than 12 inches in diameter. Oak woodland is found on a number of the proposed parcels, as well as on the 180-acre remainder parcel. The proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the total trees located on the project site. Tree removal would occur primarily within the limits of the grading area to construct the widened project roadway. The forest management plan for the project states that tree impacts associated with development of proposed building sites would be minimal since the building site locations are proposed primarily within the open areas of the site.

Overall site disturbance would be limited to that necessary for widening and surfacing the existing dirt road on the site and to construct driveways and individual home sites. Mitigation includes conservation and scenic easements on individual parcels, protection of special status plants and habitat for special status species, and implementation of a forest management plan.

Visual Resources

Visual resources on the project site consist of the rolling topography, oak woodland and savannas, and annual grassland and shrub areas. The project site is located approximately 2,000 feet southeast of State Route 68, which is a state scenic highway; approximately 1,200 feet from San Benancio Road, a County designated scenic route; adjacent to Toro Regional Park; and Fort Ord Public Land owned by the Bureau of Land Management (BLM). Due to the steep terrain, dense vegetation, and distance from the roadway, the project site would not be visible from San Benancio Road. However, portions of the project site may be visible from State Route 68, Toro Regional Park and/or Fort Ord BLM land, which are considered public viewing areas. While these potential viewing areas are relatively remote to the project, views of the currently undeveloped project site land from these areas could be impacted. However, the project visual analysis concluded that there would not be a "substantial adverse visual impact" due to the small number of homes relative to the parcel size, the distance from which these changes to the project site would be viewed, and a series of measures that will be imposed in Mitigation Measures 3.1-2b and 3.1-2c. These measures establish building envelopes and a number of requirements relating to use of natural building and landscape materials, vegetative screening, and re-planting of roadways.

Water Supply

There were a number of comments on the DEIR questioning whether the Project would have an adequate water supply because of its location in the El Toro Groundwater Study Area, which has been described as in overdraft (Geosyntec 2007). The proposed project would procure water from two existing wells within the San Benancio Gulch subarea of the El Toro Groundwater Study Area. One of the wells, referred to as the "Oaks well," was drilled within the approved Oaks Subdivision along San Benancio Road. The second well, or the "New well," was drilled more recently, near Harper Canyon Road. According to the Monterey County Water Resources Agency, this portion of the El Toro Study area, which includes the Project site and wells that will be serving the Project are in Zone 2C in the Salinas Valley Groundwater Basin which is not considered to be in overdraft.

According to the project hydrogeology report, the proposed project would have a water demand of approximately 12.75 AFY based on a demand value of 0.75 AFY per residence. The report further states that the San Benancio Gulch Subarea is recharged by approximately 486 AFY through stormwater generation and precipitation. With build out of approximately 542 units within the San Benancio Gulch Subarea, the water demand is less than the annual recharge rate, providing a water surplus of approximately 29.9 AFY for the San Benancio Gulch Subarea. The Water Resources Agency and Health Department Environmental Bureau have determined that there is a long term water supply for the project because of the location of the wells (i.e. Zone 2C) and that therefore the Project would be consistent with the requirements of Title 19.

Traffic/Circulation

The project would be accessed from San Benancio Road, and would therefore add traffic to Highway 68. All highway segments between the signalized intersections on SR 68, beginning at SR 218 (Canyon Del Rey Boulevard) and ending at San Benancio Road, accommodate 1,300 to 1,400 vehicle trips in the westbound (A.M.) peak hour and eastbound (P.M.) peak hour during weekdays. The proposed project would contribute an estimated 17 trips to the highway traffic during these peak hours.

With the exception of the intersection of Highway 68 and State Route 218 (Canyon Del Rey Boulevard), all signalized intersections along Highway 68 between Route 218 and Reservation Road operate at LOS D, E or F during the A.M. and P.M. peak hours, which are below the accepted standard of LOS C. Similarly, all roadway (Highway 68) segments between these intersections also operate at below LOS C during these peak hour periods. These intersections and roadway segments will continue to operate

below LOS C, and these operations will be incrementally degraded with the addition of traffic generated by the proposed project, background (approved) projects and cumulative (not yet approved) projects.

A series of intersection safety improvements along SR 68 are included in the TAMC Regional Transportation Plan, including: adding a second SR 68 westbound left-turn lane at the Laureles Grade Road intersection; adding a fourth (north) Corral de Tierra Road leg and a second SR 68 westbound left-turn lane at the Corral de Tierra Road intersection; and adding a second SR 68 westbound left-turn lane at the San Benancio Road intersection. These safety improvements will be beneficial to the State Route 68 corridor, but will not resolve existing intersection LOS deficiencies to which the project will contribute traffic. These improvements are assumed to be in place in the near term (background) conditions.

In March 2008, TAMC updated the Nexus Study for a Regional Development Impact Fee. The project list in the Regional Impact Fee Nexus Study Update includes a project referred to as “State Route 68 Commuter Improvements,” which would widen a 2.3-mile section of SR 68 to four lanes between the existing 4-lane section adjacent to Toro Park and Corral de Tierra Road. This project would shorten the travel time on SR 68 in both directions; improve intersection operations at two locations from unacceptable to acceptable levels; and reduce the length of the queue on westbound SR 68 east of San Benancio Road during the weekday A.M. peak hour.

Mitigation measures are included in the EIR requiring the project to contribute its fair share costs of the commuter improvement project through payment of the TAMC Regional Development Impact Fee (RDIF) prior to issuance of the first building permit, or alternatively to fully fund the preparation of the Caltrans Project Study Report (PSR) for the project. Payment of the RDIF would effectively mitigate project impacts to the following intersections and roadway segments to a less than significant level:

- State Route 68/Corral de Tierra intersection
- State Route 68/San Benancio Road intersection
- State Route 68 segment between Corral de Tierra and San Benancio Road

Intersections and roadway segments impacted by the project that are not currently included in the boundaries of the proposed State Highway 68 Commuter Improvement Project would remain impacted, however. These facilities include:

- State Route 68/Laureles Grade intersection
- State Route 68/York Road intersection
- State Route 68 segment between York Road and Pasadera Drive
- State Route 68 segment between Pasadera Drive and Laureles Grade
- State Route 68 segment between Laureles Grade and Corral de Tierra

The facilities listed above that are not mitigated by the State Route 68 Commuter Improvements project will remain a significant and unavoidable impact of the project. All cumulative impacts are satisfied by the payment of the TAMC RDIF.

The project is also required to make improvement to Myer Road to meet County standards, and to improve sight distance at the Myer Road/San Benancio Road intersection.

The residual traffic impact is based on the significance threshold frequently used by the County, the “one trip” standard, where one vehicle trip added to any intersection of roadway segment operating at LOS F constitutes a significant impact to that facility. In terms of actual traffic operations along the Highway 68 corridor, the project’s contribution to peak-hour traffic at these intersections and segments (17 peak hour trips), will be a small fraction of total traffic volumes, and would not add noticeably to the existing

congestion. The analysis is conservative in that regard, but uses a standard of review consistent with other projects in the County.

What would be allowed if the project were subject to the yet to be adopted General Plan (GPU5)?

The present (June 2010) draft of the General Plan has the Harper Canyon subdivision project site area subject to Policy T-1.7. "Development on properties with residential land use designations located within the Toro Area Plan along the Highway 68 corridor shall be limited to the first single family home on a legal lot of record."

Potential Maximum Development under the present 1982 General Plan and Zoning Code

Under the present 1982 General Plan and Zoning Code, the property is designated Rural Density Residential 5.1 acres minimum parcel size. Based on the allowable density for the 344 acre property, up to 67 units could have been proposed for the site. This is not the present case as the applicant has proposed to donate 154 acres to the County of Monterey's Toro Regional Park from the 180 acre Remainder Parcel. Of the balance of the 164 acres intended to be subdivided by the property owners, the applicants have proposed 17 residential properties with acreages ranging from 5.13 acres to 23.42 acres. Had all parcel been proposed at exactly 5.1 acres, a potential of 32 units could have been proposed in these areas.

Development Standards and the Combined Development Permit

Layout, Design and Access

Lot sizes range from 5.13 acres to 23.42 acres on 164 acres, and have been laid out along an existing well-defined unpaved service/jeep road. As a large lot subdivision, the design has not been constrained in trying to meet minimal lot sizes, lot widths, depths and setback lines. Access from Meyer Road and San Benancio Road, will require improvements, as well as the interior proposed improvements of the internal service roads. Staff has included a condition of approval prior to final Map recordation, that a through emergency access only easement be provided on the map to connect to the adjacent western properties between Highway 68 and the subject property (Ferini Ranch). The rural context of the county requires consideration of emergency vehicle movements and "escape routes" for persons and properties. Additionally, staff has recommended another condition of approval prior to final map recordation, for those properties adjacent to Toro Regional Park to have building envelopes set back at least 100 feet to allow for control of vegetation and (fire) fuel loads. This setback of 100 feet would apply to Lots 1,2, and 11-15. Presently it appears that only the homesite on Lot 11 would need to be adjusted 25 to 50 feet to accommodate this "fire safety" setback.

Slopes

There are no feasible alternatives which would allow development to occur on slopes of less than 30 percent. The proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and Toro Area Plan than other development alternatives. Development envelopes, including all building sites, have been located on slopes of less than 30 percent. To access areas of the property determined suitable for residential development, limited areas of 30 percent slope must be crossed by infrastructure, such as roads and utilities. The areas of 30 percent slope where development is allowed consist of existing dirt roads that need to be improved to accommodate the project, fire safety requirements, and county private road requirements. The road system has been designed to achieve the maximum amount of resource protection while taking advantage of existing dirt roads, where possible, to minimize resource disturbance. All undeveloped areas of the project that will contain slopes over 30 percent will be placed into a conservation and scenic easement, per the requirements of the conditions of approval.

Tree Removal

The project, as conditioned, is consistent with the regulations for Preservation of Oak and Other Protected Trees, Section 21.64.260.D of the Monterey County Zoning Ordinance (Title 21). Tree removal would occur primarily within the limits of the grading area to install the widened project roadway, and tree impacts associated with development of proposed building sites would be minimal since the building site locations are proposed primarily within the open areas of the site. The number of oak trees proposed for removal is therefore the minimum number required to develop the site as proposed.

Mitigation Measure MM 3.5-3b requires that prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure MM 3.3-3a. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement. As noted above, the applicant will also be required to pay a fee to the state Oak Woodlands Preservation Fund.

The proposed tree removal is the minimum required under the circumstances of the case and will not involve risk of adverse environmental impacts.

Water and Wastewater Systems

The source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations pursuant to Monterey County Code Section 19.03.025.

Adequate water service is available at the site. No new wells are needed to serve the project because the project will draw water from two existing wells. Although the proposed project would procure water from within the San Benancio Gulch Subarea of the El Toro Groundwater Study Area, neither the wells for the proposed project nor the project site are located within that portion of the Study Area that is subject to a B-8 zoning designation. As noted above under the discussion of water supply, the Project water supply is in Zone 2C and therefore is consistent with County subdivision requirements. Please also refer to the FEIR pg. 3-26 –3-27, Response to Comment 2-1 as well as the Findings and Evidence for further discussion of the environmental context of water for the proposal.

The water wells proposed to serve the project were tested and determined to not meet all applicable water quality standards. Therefore, a mitigation measure (MM 3.6-2a) is included requiring that prior to recording the Final Subdivision Map, Monterey County Health Department, Environmental Health Division shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. As discussed in the DEIR on pages 3.9-11 through 3.9 12, and as required in MM 3.66-2a, the water from these wells will be treated at the Cal Ambler Park treatment facility. With implementation of this requirement, the subdivision water source capacity and water quality will meet the requirements of all applicable health and safety regulations.

Wastewater from the Project will be treated by the California Utilities Service Inc. which operates under a permit from the Central Coast Regional Water Quality Control Board. Mitigation Measure 3.9-4 addresses potential capacity issues that have been raised in public comment with respect to the potential issues regarding the future capacity of this treatment plant. With implementation of this requirement, subdivision wastewater treatment will meet applicable health and safety regulations.

Grading

For a project area of approximately 164 acres with 17 residential sites and road improvements, the estimated earthwork of 2,000 cubic yards of cut and fill balanced on the property is minimal. Staff believes this figure of 2,000 cubic yards should be considered an estimate only, and that the county would allow flexibility and adjustment to this figure as engineered roadway plans are developed and submitted to the county. Nothing has alerted staff to believe that existing county codes for erosion control and protection, and the mitigation measures and conditions of approval proposed in Exhibit C would be insufficient to assure a less than significant impact to Air Quality and to lessen potential impacts to soils and erosion.

Subdivision Findings

None of the findings found in Section 19.04.025.I of the Subdivision Ordinance (Title 19) requiring denial of the subdivision can be made. Please refer to the Findings and Evidence in the attached draft Resolution.

Project Alternatives Considered in the EIR

Three project alternatives were discussed in the EIR that, as required by CEQA, could feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant environmental effects. The alternatives selected for consideration in the EIR are briefly discussed below.

Alternative 1 – No Project/No Development. This alternative assumes the project site would remain in its present state, with no development. Because no physical changes to the environment would result, impacts would be less for all physical environmental analysis categories. The EIR determined that impacts would be greater with regard to consistency with land use and planning documents, however, because leaving the project site undeveloped would be inconsistent with the RDR 5.1 zoning for the site, which designates the site for residential development at a minimum of 5.1 acres per unit.

Alternative 2 – Modified Subdivision Design ‘A.’ Lot #17 would be divided into two lots under this alternative, creating a Parcel A for two inclusionary units to be developed on site, rather than requiring the project applicant to pay an in-lieu fee to fund construction of inclusionary housing elsewhere. This alternative would result in marginally greater impacts for most environmental impact areas due to the increased site disturbance for the additional two units, and would also add approximately two additional vehicle trips to the peak hour traffic.

Alternative 3 – Modified Subdivision Design ‘B.’ Four residential units would be eliminated under this scenario, reducing the overall density of the project. A decrease in density would generate fewer trips on surrounding roadways and SR 68, which is currently operating at an unacceptable level of service. A decrease in density would also indirectly reduce noise and air pollutant emissions, though these reductions would be minimal. This alternative also represents the environmentally superior “build” alternative, but does not meet all of the project objectives.

Of the two project “build” alternatives, Alternative 2 would reduce (but not eliminate) the identified significant unavoidable traffic impact of the project. Because this project impact will not result in noticeable change to the congestion on Highway 68, however, the reduction in the number of trips associated with Alternative 2 would not result in a substantial benefit over the proposed project. Should the Planning Commission decide to approve one of the project alternatives, staff would need to return with revised findings and conditions of approval.

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:

Harper Canyon (PLN000696)

RESOLUTION NO. _____

Resolution by the Monterey County Planning Commission:)

1. Certifying the EIR with Final Environmental Impact Report (SCH: 2003071157) and Adopt a Finding of Overriding Considerations;)
2. Approving a Combined Development Permit consisting of a 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the expansion of a public water system; 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval.)
3. Approving a Mitigation Monitoring and Reporting Plan. (PLN000696, Harper Canyon Realty, Toro Area Plan, (APNs 416-611-001-000 and 416-611-002-000))

The Harper Canyon application (PLN000696) came on for public hearing before the Monterey County Planning Commission on June 30, 2010. 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:

FINDINGS

- 1. FINDING: CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the Monterey County General Plan, as amended, and the Monterey County Subdivision Ordinance (Title 19), Toro Area Plan, as amended, Monterey County Code Section 18.50, and the Monterey County Zoning Ordinance (Title 21). No conflicts were found to exist. No communications were received during the course of review of the project providing substantial evidence of any inconsistencies with the text, policies, and regulations in these documents.

b) The project consists of subdividing two parcels totaling 344 acres into 17 lots for 17 single-family homes, and one remainder parcel of 180 acres. The project is located east of San Benancio Road in the Toro area (APNs 415-661-001-000 and 416-611-002-000). The General Plan Land

Use Map and the Toro Area Plan designate the site for "Rural Density Residential." Consistent with the land use plan designations, the Monterey County Zoning Ordinance designates the project site as "RDR/5.1-D," or Rural Density Residential, 5.1 acres per unit with Design Control Overlay and a small portion designated as LDR/1, or Low Density Residential, 1 acre per unit. The lots range in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel, an average density of 20.29 acres per dwelling unit for the entire 344 acre parcel, which is within the maximum allowable density for the existing parcels.

- c) The project planners conducted site inspections on numerous occasions to verify that the project on the subject parcels conforms to the plans listed above.
- d) 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, and General Plan as amended and Toro Area Plan as amended. The conditions of approval require the applicants to assure long-term maintenance of the improvements by use of a homeowners association. Lots, building sites and improvements have been designed to meet the standards of the Subdivision Ordinance (Title 19).
- e) Overall, the proposed project incorporates the intent of Monterey County General Plan policies. The proposed project will:
 - 1. Preserve open space areas to protect scenic vistas and biological resources;
 - 2. Incorporate design and construction practices to conserve soil resources, water quality, and environmentally sensitive areas;
 - 3. Conserve energy through building and site design;
 - 4. Protect human life and structures from seismic and fire hazards;
 - 5. Ensure compatible land uses; and
 - 6. Provide for adequate, safe, and effective transportation facilities; and allow for the adequate provision of public services.
- f) The following General Plan goal, objective and policy apply to the proposed project:
 - **Goal 53 (Water Service) – To promote adequate water service for all county needs.**
 - **Objective 53.1 – Achieve a sustained level of adequate water services.**
 - **Policy 53.1.3 – The County shall not allow water consuming development in areas which do not have proven adequate water supplies.**
 - **Policy 53.1.5 – Proliferation of wells, serving residential, commercial, and institutional uses, into common water tables shall be discouraged.** Adequate water service is available at the site consistent with Goal 53. No new wells are needed to serve the project because the project will draw water from two existing wells. The new homes will use water and therefore are considered to be "water consuming development" under Policy 53.1.3. Although the proposed project would procure water from within the San Benancio Gulch subarea of the El Toro Groundwater Basin, neither the wells for the proposed project nor the project site are located within a B-8 zoning designation. Additionally, according to MCWRA, this

portion of the El Toro Planning area, including the project site, receive benefits of sustained groundwater levels attributed to the operation of both the Nacimiento and San Antonio Reservoirs and will receive benefits of the Salinas Valley Water Project upon completion. According to the project hydrogeology report, the proposed project would have a water demand of approximately 12.75 AFY based on a demand value of 0.75 AFY per residence. The report further states that the San Benancio Gulch subarea is recharged by approximately 486 AFY through stormwater generation and precipitation. With buildout of approximately 542 units within the San Benancio Gulch subarea, the water demand is less than the annual recharge rate, providing a water surplus of approximately 29.9 AFY for the San Benancio Gulch subarea. This water surplus would be able to accommodate the proposed project's water demand of approximately 12.75 AFY. Accordingly, the project is consistent with Goal 53, Objective 53.1 and the related policies.

g) The following Toro Area Plan policies apply to the proposed project:

- **Policy 5.1.2.1** – **Developments shall be designed to maintain groundwater recharge capabilities on the property.** The proposed project includes drainage and recharge facilities that would allow stormwater to be collected on site for groundwater recharge.
- **Policy 7.2.3** – **The preservation of oak trees in Toro shall be promoted by discouraging removal of healthy trees with diameters in excess of eight inches.** The proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the approximately 9,187 total trees located on the project site. Tree removal would occur primarily within the limits of the grading area to install the widened project roadways, and tree impacts associated with development of proposed building sites would be minimal since the building site locations are proposed primarily within the open areas of the site. The number of oak trees proposed for removal is therefore the minimum number required to develop the site as proposed.
- **Policy 26.1.4.3** – **A standard tentative subdivision map an/or vesting tentative and/or Preliminary Project Review Subdivision map application for either a standard or minor subdivision shall not be approved until: (1) an applicant provides evidence of an assured long term water supply in terms of yield and quality for all lots which are to be created through subdivision. A recommendation on the water supply shall be made to the decision making body by the County's health Officer and the General Manager of the Water Resources Agency, or their respective designees. (2) The applicant provides proof that the water supply to serve the lots meets**

both the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code subject to the review and recommendation by the County's Health Officer to the decision making body. The project has been shown to have an adequate water supply – see discussion in (g) above. The water wells proposed to serve the project were tested and determined to not meet all applicable water quality standards. Therefore, a mitigation measure (MM 3.6-2a) is included requiring that prior to recording the Final Subdivision Map, Monterey County Health Department, Environmental Health Division shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards.

- **Policy 26.1.9.1** – **Development on ridgelines and hilltops or development protruding above ridgelines shall be prohibited.** The approximate locations of homesites have been sited to comply with this ridgeline policy.
- **Policy 26.1.20.1** – **Lighting of outdoor areas shall be minimized and carefully controlled to preserve the quality of darkness. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout the Toro Area.** The proposed project will introduce new light sources including, but not limited to, street lighting, and interior and exterior lighting of the proposed residential uses. Stationary light sources have the potential to adversely affect adjacent properties through a “spillover” effect. New light sources would result in a greater overall level of light at night adjacent to the project site, thus reducing night sky visibility, affecting the general character of the area. The EIR includes the following mitigation measure to ensure lighting impacts are minimized (MM 3.1-4): Prior to issuance of building permits, Monterey County Planning Department shall require that the project applicant prepare and submit a detailed lighting plan that indicates the location and type of lighting that will be used at the project site. The lighting plan shall be consistent with Section 18.28 of Monterey County Code, to minimize glare and light spill. All external lighting shall be indicated on project improvement plans, subject to review and approval by the County of Monterey.
- **Policy 39.1.1.3** – **The County shall require significant financial contributions from each new subdivision in the Toro Planning Area in order to expedite funding**

and construction of Highway 68. The project will be required to contribute to the TAMC Regional Development Impact Fee program in accordance with the associated fee schedule for the program in order to provide its fair share of funding toward the "State Route 68 Commuter Improvements" project included within the RDIF program.

- h. **Water Conservation Regulations.** Monterey County Code Section 18.50 was added by Ordinance 3932 and requires water conservation practices in several parts of Monterey County, including the Toro area. Mandatory measures under this ordinance include use of low-flow plumbing fixtures (also required by state and federal law) and low water usage landscaping. A landscaping plan that utilizes low water usage plantings, irrigation times and low water output irrigation equipment is required.
- i. The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. The Toro Land Use Advisory Committee (LUAC) reviewed this project at its July 14, and July 28, 2003 meetings (Exhibit I, LUAC minutes.) The LUAC conducted a site visit July 28, 2003 and voted on two motions. One motion to approve failed 2-2, and the second motion to deny also failed 2-2.
- j. On October 28, 2004 the Standard Subdivision Committee held a duly-noticed public hearing to consider the analysis of project consistency. The Standard Subdivision Committee recommended 3-0 with 3 abstentions that the Planning Commission approve the project subject to findings and conditions.
- k. Harper Canyon (Encina Hills) Subdivision Draft EIR prepared by PMC dated October, 2008, Harper Canyon (Encina Hills) Subdivision Recirculated Draft EIR prepared by PMC dated December 2009 and Harper Canyon (Encina Hills) Subdivision Final EIR prepared by PMC dated April 2010.
- l. 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 PLN000696.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Parks Department, RMA-Public Works, Environmental Health Division, Water Resources Agency and Redevelopment and Housing Office. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- Archeological Consulting. Preliminary Cultural Resources Reconnaissance of Portions of APN 416-211-21 and 415-011-01, San Benancio, Monterey County, California. March 22, 1993.
 - D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001.
 - Higgins Associates. Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis. Higgins Associates. May 28, 2008.
 - Monterey, County of. Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003.
 - Pacific Municipal Consultants. Archaeological and Historical Resources Investigations for the Harper Canyon Project. May 2006
 - Staub Forestry and Environmental Consulting. Addendum to Forest Management Plan dated June 2001 for Monterey County APNs 416-611-01 and 416-611-03 – Encina Hills. April 28, 2008.
 - Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001.
 - Zander Associates. Biological Resources Assessment. July 13, 2001.
 - Zander Associates. Biological Resources Assessment. November 11, 2005.
 - Zander Associates. Results of Follow-Up Survey. October 3, 2001.
- c) The project planners conducted site inspections on numerous occasions to verify that the project on the subject parcels conforms to the plans listed above.
- d) 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 PLN000696.

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 for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Parks Department, RMA-Public Works, Environmental Health Division, Water Resources Agency and Housing & Redevelopment Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs (see list under Finding #2 above).
 - c) The project planners conducted site inspections on numerous occasions to verify that the project on the subject parcels conforms to the plans listed above.

- d) 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 PLN000696.

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

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

5. **FINDING:** **CEQA (EIR)** – The County of Monterey has completed the Final Environmental Impact Report (Final EIR) in compliance with CEQA, and the Final EIR reflects the County of Monterey's independent judgment and analysis. The Final EIR has been presented to the Planning Commission and the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving the project.

- 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) In accordance with the requirements of the California Environmental Quality Act (CEQA), a Draft EIR (SCH2003071157) was prepared to assess the potential adverse environmental impacts from the project and was circulated starting on October 12, 2008. The public review period ended on December 21, 2008. Issues analyzed in the Draft EIR include: land use, transportation and circulation, air quality, noise, hydrology and water quality, water supply, aesthetics, light and glare, cultural resources, geology, public services and utilities and wastewater disposal.
 - c) A Recirculated Draft EIR (RDEIR) was prepared to address new significant information that resulted in revisions to the Traffic and Circulation analysis prepared for the project. The comment period for this RDEIR was from December 16, 2009 to February 1, 2010. Issues analyzed in the RDEIR include applicability of the TAMC Regional Development Impact Fee to the project and related mitigation measures.
 - d) The DEIR and RDEIR contain extensive analysis of the proposed development, with and without mitigations, compared to alternatives, including a No Project/No Build Alternative, a Modified Subdivision Design 'A' Alternative, and a Modified Subdivision Design 'B' Alternative.
 - e) The Response to Comments dated April 2010 was prepared by PMC 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 DEIR, RDEIR and in the Responses to Comments, and provided responses to the comments received. Together, the DEIR, RDEIR and Responses to Comments constitute the Final EIR of the project.
 - f) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are 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 and is hereby incorporated herein by reference as **Exhibit C, Attachment 1**. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition 6).

- g) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable); Harper Canyon (Encina Hills) Subdivision Draft EIR prepared by PMC dated October, 2008, Harper Canyon (Encina Hills) Subdivision Recirculated Draft EIR prepared by PMC dated December 2009 and Harper Canyon (Encina Hills) Subdivision Final EIR prepared by PMC dated April 2010. These documents are on file in the RMA-Planning Department (PLN000696) and are hereby incorporated herein by reference.
- h) All of the documents that comprise the Final EIR have been provided to the Monterey County Planning Commission in advance of the Planning Commission hearing on June 30, 2010. The Planning Commission reviewed and considered the information in the Final EIR prior to approving the project and makes the findings as set forth herein concerning each of the potentially significant effects of the project.
- i) The Monterey County Resource Management Agency – Planning Department, located at 168 W. Alisal Street, 2nd Floor, Salinas, CA, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Environmental Impact Report is based.

6. FINDING: IMPACTS TO GEOLOGY AND SOILS WILL BE MITIGATED TO LESS THAN SIGNIFICANT. Mitigation Measures MM 3.5-1 through MM 3.5-6 will reduce impacts to geology and soils to a less than significant level and are required as conditions of approval.

EVIDENCE: a) Mitigation Measure MM 3.5-1. Prior to issuance of building permit, the Monterey County Building Services Department shall require that the project applicant consult with a qualified engineer to prepare design level geotechnical reports in accordance with the current edition of the California Building Code and the recommendations contained within the *Geologic and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers in August 2001. Said reports shall be submitted for plan check with any improvement plans including earthwork, water tank construction/installation, or foundation construction. The *Geological and Geotechnical Feasibility Study* provides specific recommendations regarding site preparation and construction of foundations, retaining walls, utilities, sidewalks, roadways, subsurface drainage, and landscaping features based on the lot characteristics and proximity to the fault at the project site. In addition, *Geological and Geotechnical Feasibility Study* provides specific recommendations regarding slope stability and energy dissipation measures, the recommended location of homesites on Lots #8, #9, #11, and Lots #13

through #16, and reconstruction of the steep slope near Lots #8 and #9. All slope stability and energy dissipation measures shall be incorporated into the site grading plans and constructed concurrent with grading activities. During the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the *Geological and Geotechnical Feasibility Study*. Prior to final inspection, the project applicant shall provide certification from a qualified professional engineer that all development has been constructed in accordance with all applicable geologic and geotechnical reports.

- b) Mitigation Measure MM 3.5-2a. Prior to issuance of building permits, the Monterey County Planning Department shall require that the project applicant design the building envelopes to minimize slope failure on Lot #17 by restricting development of structures on the north facing slope of Lot #17, due to the steep terrain. The homesite and driveway for Lot #17 shall be placed on the south side of the ridge similar to the driveway and building envelope design shown in Figure 3.5-4, Potential Driveway and Building Envelope for Lot #17, of the DEIR and subject to review and approval by the recommending engineering geologist and the County of Monterey.
- c) Mitigation Measure MM 3.5-2b. Prior to final subdivision map approval, the Monterey County Planning Department shall require that the project applicant update the Subdivision Map to reflect the revised and approved driveway and building envelope design for Lot #17.
- d) Mitigation Measure MM 3.5-3. Prior to issuance of grading and building permits, the project applicant shall contract with a registered engineer to design a subsurface drainage system for review and approval by Monterey County Resource Management Agency – Director of Planning and the Director of Public Works where perched groundwater exists on the project site, including but not limited to Lots #2, #8, #9, #10, #11 and Lots #13 through #16. Subsurface drainage system shall be designed and installed in accordance with the recommendations provided in the *Geological and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers in August 2001. These improvements shall be included in the final improvement plans for the proposed project and installed concurrent with site preparation and grading activities associated with future residential development. Prior to final inspection of grading permits for subdivision improvements, the project applicant shall submit certification prepared by a registered engineer verifying that the improvements were installed according to the findings and recommendations in the *Geological and Geotechnical Feasibility Study*.
- e) Mitigation Measure MM 3.5-4. Prior to issuance of grading permit, Monterey County Public Works Department, Planning Department and Water Resources Agency shall require that the project applicant contract with a registered engineer to prepare an erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediments are minimized during site preparation, construction, and post construction periods. The erosion control plan and SWPPP shall incorporate best management practices consistent with the requirements of the National Pollution Discharge

Prevention System and *Monterey County Ordinance 16.12.80, Land Clearing*. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. The SWPPP shall be consistent with the Central Coast Water Quality Control Board standards.

7. **FINDING:** **IMPACTS TO BIOLOGICAL RESOURCES WILL BE MITIGATED TO LESS THAN SIGNIFICANT.** Mitigation Measures MM 3.3-1a through MM 3.3-6 will reduce impacts to biological resources to a less than significant level and are required as conditions of approval.

- EVIDENCE:**
- a) Mitigation Measure MM 3.3-1a. Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements, the project applicant shall submit for review and approval a pre-construction survey report. The pre-construction survey shall be prepared in consultation with a qualified biologist to summarize additional pre-construction focused plant surveys to be conducted in April and July to confirm the presence or absence of special status plants during the blooming period to reduce the potential loss of these species. These species are listed in **Table 3.3-3, Additional Pre-Construction Focused Plant Surveys** of the DEIR. If no individuals are observed, no further action is required. If individuals are found a report shall be prepared detailing the species potentially affected by the proposed project and the appropriate mitigation measures to reduce the loss of individuals, including siting development to minimize disturbance or removal of special status plant species. Informal consultation with CDFG/USFWS may be required. If Monterey spineflowers are found, informal consultation with USFWS shall be required. Mitigation may include but not be limited to avoidance of populations, restoration, maintenance, and enhancement and obtaining an Incidental Take Permit from the USFWS and notification with the CDFG.
 - b) Mitigation Measure MM 3.3-1b. Damage to Monterey Manzanita (*Arctostaphylos montereyensis*) shall be avoided or replaced during construction. If the approximate locations of the home sites change within Lots #2 and #13, the project applicant shall hire a qualified biologist to cultivate stock of Monterey Manzanita plants from existing plants located within these lots. The individual Monterey Manzanita plants removed from within Lots #2 and #13 shall be replaced at a 3:1 ratio within undeveloped areas of Lots #2 and #13 using stock collected by qualified biologist.
 - c) Mitigation Measure MM 3.3-2a. Prior to issuance of building permit, Monterey County Planning Department shall require that the project applicant submit for review and approval a comprehensive landscape plan prepared in consultation with a qualified botanist. The plant list shall exclude any invasive and non-native plants and emphasize the use of native species requiring minimal irrigation, herbicides, pesticides, or fertilizers and are drought-tolerant native species from local sources. Drought-tolerant non-native species may be used if they are known to be non-invasive.
 - d) Mitigation Measure MM 3.3-2b. Prior to final inspection of grading permit for subdivision improvements, Monterey County Planning Department shall require that the project applicant control the introduction of non-native, invasive plants through rapid re-vegetation of

denuded areas with plants and seed harvested from areas proposed for development or other appropriate seed mixes. The seed mix selected shall contain native species of local genetic stock. If non-native species are within the mix, the species must be known not to be invasive or persistent. The seed mix shall contain species known to compete well against non-native, invasive species. In areas of re-vegetation, non-landscaped disruption and adjacent to landscaping, the project applicant shall have a botanist or resource ecologist annually monitor for non-native species and invasive plant species, especially French broom, for a period of three years and provide an annual written status report to Monterey County Planning Department.

- e) Mitigation Measure MM 3.3-2c. Monterey County Planning Department shall require that the project applicant consult with a qualified botanist to develop CC&Rs that describes the native flora and fauna and provides guidelines for homeowners to follow which limit disturbance of native habitat. Said CC&Rs shall be recorded with the final map for each parcel created by the Final Subdivision Map.
- f) Mitigation Measure MM 3.3-2d. Prior to issuance of building or grading permits, whichever comes first, the Monterey County Planning Department shall require that the project applicant to design the proposed development on the project site so that homesites, landscaped areas and outbuildings are located a minimum of 75 feet to 100 feet from the active drainage channels to avoid filling or disturbing natural drainage courses. In the event that disturbances cannot be avoided (culverts, storm drain outfalls, etc.), the necessary permits from the California Department of Fish and Game (CDFG) through section 1600 of the Fish and Game Code and/or the U.S. Army Corps of Engineers (USACE) through Section 404 of the Clean Water Act may be required. Necessary permits and/or authorizations should be obtained from appropriate regulatory agencies prior to any activity that might encroach on drainage channels.
- g) Mitigation Measure MM 3.3-3a. Prior to the issuance of grading and/or building permits, whichever comes first, the project applicant shall submit for review and approval a Final Forest Management Plan, prepared by a qualified forest manager, that minimizes the removal of coast live oak (*Quercus agrifolia*) trees in accordance with the recommendations in Section 21083.4 of the *CEQA Guidelines* and the *Forest Management Plan* that was prepared for the proposed project by Staub Forestry and Environmental Consulting in June 2001. A professional forest manager shall identify where trees can be retained and establish conservation easements, trees that need pruning, areas that require keyed fills, etc. All recommended pruning shall be performed by a qualified arborist or other tree professional and occur prior to commencement of grading. The Final Forest Management Plan shall be subject to review and approval by the Monterey County Planning Department prior to issuance of grading permits.
- h) Mitigation Measure MM 3.3-3b. Prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure MM 3.3-3a. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during

construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the *Monterey County Zoning Ordinance* and Section 21083.4 of the *CEQA Guidelines*. Tree replacement on residential lots shall occur as space permits and may not exceed more than one tree per 10 foot by 10 foot block of available space. If a specific lot does not allow for replanting of trees, the project applicant shall have a qualified forester identify an alternate location for replanting on the project site. Tree replacement for infrastructure tree removals shall be placed within any scenic easements and/or portion of the "Remainder Parcel" that would be dedicated to the Monterey County Parks District as an extension of the adjacent Toro Park. All trees shall be replaced with coast live oak (*Quercus agrifolia*) trees obtained from onsite sources or should be grown from local native seed stock in sizes not greater than five gallons, with one gallon or smaller being preferred to increase chances of successful adaptation to the project conditions. Replacement trees shall be monitored and maintained for a minimum of seven years after planting. A monitoring plan shall be prepared by a qualified professional forester, arborist, or horticulturalist, and shall be subject to review and approval by the County of Monterey Planning Department. In addition, the owner/applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. The owner/applicant shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The amount of the contribution to the Oak Woodlands Conservation Fund shall be determined according to the procedures set forth in the Oak Woodland Impact Decision Matrix-2008 prepared by the UC Integrated Hardwood Range Management Program.

i) Mitigation Measure MM 3.3-3c. The applicant shall prepare for review and approval Covenants, Conditions, and Restrictions (CC&Rs) in consultation with a qualified professional forester, that shall include oak tree protection measures as outlined in the *Forest Management Plan* (Staub Forestry and Environmental Consulting 2001) on individual lots as part of future home construction to minimize the damage to oak trees and ensure successful replanting. These measures shall include, but not be limited to the following:

- Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary;
- No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above;
- No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional;
- Roots exposed by excavation during construction shall be pruned

promptly to promote callusing, closure, and regrowth; and

- All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel.
- Said CC&Rs shall be recorded with the final map, for each parcel created by the final map.

- j) Mitigation Measure MM 3.3-4. Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on the project site the project applicant shall prepare, in consultation with a qualified biologist, a pre-construction survey for special-status bat species within the project site to comply with the California Fish and Game (CDFG) Code relative to special status bat maternity roosts. Prior to tree removal in the coast live oak woodland, a qualified biologist shall survey the trees to evaluate their potential use by special-status bat species. If special-status bat species are determined to be using these trees, or trees in the immediate vicinity, the biologist shall provide recommendations to avoid harming individual bats or disturbance of active roosts. If the biologist recommends active removal of bats, a Memorandum of Understanding (MOU) with the CDFG shall be obtained. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFG that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that documents mitigation for loss of bat roosting habitat should be prepared by a qualified biologist and approved by CDFG prior to tree removal.
- k) Mitigation Measure MM 3.3-5. No more than 30 days prior to grading or construction in oak woodland habitat, the project applicant shall contract with a qualified biologist to complete a pre-construction survey for the Monterey dusky-footed woodrat for review and approval by the Monterey County Resource Management Agency – Director of Planning. If individuals of these species are observed, a salvage and relocation program shall be prepared in coordination with CDFG to prevent death or injury to individuals of these species during grading or construction operations. The salvage program shall include measures to remove individuals from the project site prior to and during project grading and construction, and to relocate them to a suitable location within the project site.
- l) Mitigation Measure MM 3.3-6. Surveys shall be conducted no more than 30 days prior to ground disturbance during the nesting seasons for local avian species (typically February 1st through August 31st). The Monterey County Planning Department shall require that the project applicant retain a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of the construction area. If active nests are located during preconstruction surveys, USFWS and/or CDFG (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be

minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the non-breeding season (between August 1st and November 1st).

8. FINDING: IMPACTS TO CULTURAL RESOURCES WILL BE MITIGATED TO LESS THAN SIGNIFICANT. Mitigation Measure MM 3.4-1 will reduce impacts to cultural resources to a less than significant level and is required as a condition of approval.

EVIDENCE: a) Mitigation Measure MM 3.4-1. If archaeological resources or human remains are discovered during grading or construction, the following steps shall be taken immediately upon discovery:

There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required, and
- If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinian, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or
 - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
 - ⊠ The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation with 24 hours after being notified by the commission.
 - ⊠ The descendent identified fails to make a recommendation; or
 - ⊠ The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measure acceptable to the landowner.

9. **FINDING:** **CERTAIN IMPACTS TO TRANSPORTATION AND CIRCULATION WILL BE MITIGATED TO LESS THAN SIGNIFICANT.** Mitigation Measures MM 3.10-1 through 3.10-6 will reduce CERTAIN impacts to transportation and circulation to a less than significant level and are required as conditions of approval. The addition of up to 17 vehicle trips to SR 68 during the weekday A.M. and P.M. peak traffic hours, however, will result in the further degradation of the operation of roadway segments and intersections along the SR 68 that currently operate below a the acceptable level of service C (see Statement of Overriding Consideration). This is considered to be a significant and unavoidable impact. All other transportation and circulation impacts will be mitigated to a less than significant level.

EVIDENCE:

- a) Mitigation Measure MM 3.10-1. Prior to issuance of building permits, the project applicant shall comply with one of the following actions to improve operations at intersections and roadway segments along State Route 68:
- 1) Upon issuance of each building permit for proposed development on the project site, each applicant shall contribute their proportionate fair share, as calculated by the County, towards the “State Route 68 Commuter Improvements” through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time, as required under mitigation measure **MM 3.10-6**. The TAMC RDIF payment will be earmarked for completion of the Caltrans Project Study Report (PSR) for the 2.3-mile “State Route 68 Commuter Improvements” project identified within the TAMC RDIF or;
 - 2) Prior to the issuance of the first building permit for proposed development on the project site, the applicant shall pay the entire fair share for all 17 single family residential units towards the “State Route 68 Commuter Improvements” through payment of the TAMC RDIF, as required under mitigation measure **MM 3.10-6** or;
 - 3) The project applicant shall fund, initiate and complete a Caltrans Project Study Report (PSR) process for the 2.3-mile “State Route 68 Commuter Improvements” project identified within the TAMC RDIF. The PSR process will identify the total roadway improvement costs, as well as each project applicant’s proportionate fair share of those costs. If the cost of the PSR for the “State Route 68 Commuter Improvements” exceeds the project’s proportionate fair share of the TAMC RDIF obligation, the applicant shall be reimbursed the amount in excess of their proportionate fair share. Monterey County will enter into a reimbursement agreement with the project applicant to refund the costs in excess of their proportionate fair share of the TAMC RDIF as additional fees are collected from other applicants and sources.
- b) Mitigation Measure MM 3.10-3. Prior to approval of final improvement plans, the project applicant shall contract with a registered engineer to design roadway improvements to widen and resurface Meyer Road per the County of Monterey standards for a cul-de-sac private road (e.g. 18-foot wide roadbed). The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed

prior to occupancy of any of the residential units at the project site.

- c) Mitigation Measure MM 3.10-4a. Prior to approval of final improvement plans, the Monterey County Public Works Department shall require that the project applicant contract with a registered engineer to prepare a sight distance improvement plan at the Meyer Road/San Benancio Road intersection. The improvement plan shall include but not be limited to the following: trimming the vegetation and grading the embankment in the vicinity of the intersection and installing right turn tapers into and out of Meyer Road. The design of all intersection improvements shall be subject to review and approval by the County of Monterey Public Works Department. All improvements shall be completed prior to occupancy of any residential units.
- d) Mitigation Measure MM 3.10-4b. Prior to approval of final improvement plans, the Monterey County Public Works Department shall require that the project applicant shall design and construct a southbound San Benancio Road left-turn lane at the Meyer Road/San Benancio Road intersection in accordance with the Monterey County Public Works Department standards and guidelines.
- e) Mitigation Measure MM 3.10-4b. The Monterey County Resource Management Agency shall require the project applicant to pay any traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees include, but are not limited to, the TAMC Regional Development Impact Fee (RDIF). Payment of the TAMC RDIF may be done so under the options listed in mitigation measure MM 3.10-1. The funds contributed toward the "State Route 68 Commuter Improvements" project as required under mitigation measure **MM 3.10-1** shall be credited towards their total proportionate fair share of the TAMC RDIF, as they will be contributing their fair share towards regional improvements identified within the TAMC Regional Improvement Nexus Study Update. If implementation of mitigation measure **MM 3.10-1** requires the project applicant(s) to contribute towards the "State Route 68 Commuter Improvements" in an amount greater than their fair share identified in the PSR and/or their total fair share of the TAMC RDIF, the project applicant shall be reimbursed as additional funds are collected by other applicants or sources. Payment of the RDIF is considered appropriate and sufficient mitigation for cumulative traffic impacts.

10. FINDING: IMPACTS TO AIR QUALITY WILL BE MITIGATED TO LESS THAN SIGNIFICANT. Mitigation Measures MM 3.10-1 through 3.10-6 will reduce impacts to air quality to a less than significant level and are required as conditions of approval.

- EVIDENCE:** a) Mitigation Measure MM 3.2-1. During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce airborne particulate matter, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the *Monterey County General Plan*. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:
- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure;
 - Prohibit all grading activities during periods of high wind (over 15

mph);

- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;
- Cover all trucks hauling soil, sand, and other loose materials and require all trucks to maintain at least 2 feet of freeboard;
- Plant vegetation ground cover in disturbed areas as quickly as possible;
- Sweep daily, with water sweepers, all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets;
- Plant tree windbreaks on the windward perimeter of construction project if adjacent to open land;
- Cover inactive storage piles;
- Install wheel washers at the entrance to construction sites for all existing trucks;
- Pave all roads on construction sites;
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints; and
- Limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading).

b) Mitigation Measure MM 3.2-2. During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce toxic air contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the *Monterey County General Plan*. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:

- Limit the hours of operation and quantity of heavy duty equipment in use at one time;
- Use gasoline-powered equipment in lieu of diesel powered equipment as much as possible;
- Use PuriNOx emulsified diesel fuel in existing engines;
- Modify engine with ARB verified retrofit;
- Repower heavy equipment with current standard diesel technology or CNG/LNG technology;
- Limit the area under construction at any one time. Water all active construction areas at least twice daily;
- Prohibit grading activities when winds exceed 15 miles per hour;
- Apply chemical soil stabilizer on inactive construction areas that are unused for at least four consecutive days;
- Apply non-toxic binders to exposed areas after cut and fill operations and hydroseed area;
- Haul tracks shall maintain at least 2'0" of freeboard;

- Cover all trucks hauling dirt, sand, or loose materials;
- Plant vegetative ground cover in disturbed areas as soon as possible;
- Cover inactive storage piles; and
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall also be visible to ensure compliance with Rule 402 (Nuisance).

11. FINDING: IMPACTS TO HYDROGEOLOGY AND WATER QUALITY WILL BE MITIGATED TO LESS THAN SIGNIFICANT. Mitigation Measures MM 3.7-2 through 3.7-3 will reduce impacts to hydrogeology and water quality to a less than significant level and are required as conditions of approval.

- EVIDENCE:**
- a) Mitigation Measure MM 3.7-2. Prior to recording the Final Subdivision Map, Monterey County Planning Department and Monterey County Water Resources Agency shall require that the project applicant contract with a registered civil engineer to prepare a final drainage plan. The drainage control plan shall include detention ponds to limit storm water runoff generated by the development of impervious surfaces. The detention ponds shall be designed to detain the difference between the 100-year post-development runoff rate and the 10-year pre-development runoff rate in accordance with Section 16.16.040.B.5 of the *Monterey County Code* and Monterey County Water Resource Agency (MCWRA). All of the detention basins shall be fenced for public safety. In addition, the drainage plan shall incorporate mitigation measures as recommended in the *Geological and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers including, but not limited to: installing lined ditches above and below any engineered slopes, and above existing erosion gullies; use of vegetative matting and hydroseeding on slopes; installation of erosion-control landscaping; reduction of ponding water; grading of land that prevents surface water flow over the tops of slopes; construction of berms at the top of slopes; installation of concrete v-ditches; and control of irrigation on slopes. The final drainage plan shall be submitted for review and approval by the Public Works Department and Monterey County Water Resources Agency prior to the recording the Final Subdivision Map.
- b) Mitigation Measure MM 3.7-3. In order to prevent the potential contamination of downstream waters from urban pollutants, Monterey County Planning Department, Public Works Department and Water Resources Agency shall require that the storm drainage system design, required under mitigation measure **MM 3.7-2**, includes a Storm Water Pollution Prevention Plan (SWPPP) and Low Impact Development (LID) design techniques. Such techniques include but is are not limited to the following components: grease/oil separators (where required by Public Works); sediment separation; vegetative filtering to open drainage conveyances and retention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other LID design and pollution control techniques. Said provisions shall be incorporated into the storm drain

system plans submitted to the county prior to issuance of building or grading permits, whichever occurs first. A report shall be submitted prior to final inspection verifying that installation of the system occurred pursuant to said drainage system plan. In the event that the drainage system was not installed according to recommendations of plan, measures shall be recommended by a qualified drainage engineer or equal professional recommendations to ensure that the final installed system meets the recommendations of the approved drainage plan. All plans shall meet current Public Works and Building Department standards.

11. FINDING: IMPACTS TO AESTHETICS AND VISUAL RESOURCES WILL BE MITIGATED TO LESS THAN SIGNIFICANT. Mitigation Measures MM 3.1-1 through MM 3.1-4 will reduce impacts to aesthetics and visual resources to a less than significant level and are required as conditions of approval.

- EVIDENCE:**
- a) Mitigation Measure MM 3.1-1. Prior to recording the Final Subdivision Map, the project applicant designate the knoll located along the eastern boundary of Lot #1 as a “scenic easement.” The Final Subdivision Map shall identify the areas within a “scenic easement” and note that no development shall occur within the areas designated as “scenic easement.”
 - b) Mitigation Measure MM 3.1-2. Prior to recording the Final Subdivision Map, Monterey County Planning Department shall require that the project applicant designate all land that exceeds slopes of 30 percent as “scenic easements” in accordance with Policy 26.1.10 of the *Monterey County General Plan*, except where roadway improvements have no other alternative. This includes land exceeding 30 percent slopes within the 17 residential lots. The Final Subdivision Map shall identify the areas within a “scenic easement” and note that no development shall occur within the areas designated as “scenic easement.”
 - c) Mitigation Measure MM 3.1-2b. To further reduce the potential visibility of residential development from common viewing areas, Toro Park, BLM public lands and State Route 68, prior to recording the Final Subdivision Map, the project applicant shall designate building envelopes on each proposed lot to define the building area. The building envelopes shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. These shall be subject to review and approval by the RMA-Planning Department.
 - d) Mitigation Measure 3.1-2c. In order to preserve the visual character of the project site and surrounding area, the project applicant shall prepare design standards that shall be recorded on the titles for all of the parcels. These shall apply to all site development, architectural design and landscape plans. These shall include the following elements:
 - Use of natural materials, simulated natural materials, texturing and/or coloring that will be used for all walkways, patios, and buildings.
 - Use of rolled curbs for areas where curbs may be required;
 - Substantial use of vegetative screening using a native drought tolerant plant palette to obscure off-site view;

- Re-planting with native grasses and vegetation of any roadways serving the subdivision and individual parcels; and
 - A planting plan shall be submitted to the RMA-Planning Department for review and approval prior to the approval of grading plans for creation of subdivision roadways. A planting plan shall be submitted as part of the Design Review approval process for each residential lot.
- e) Mitigation Measure MM 3.1-4. Prior to issuance of building permits or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on lots proposed on the project site, Monterey County Planning Department shall require that the project applicant prepare and submit for review and approval a detailed lighting plan that indicates the location, type, and wattage of all light fixtures to be installed on the project site and include catalog sheets for each fixture. The lighting plan shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The lighting plan shall be consistent with Section 18.28 of *Monterey County Code*, to minimize glare and light spill. All external lighting shall be indicated on project improvement plans, subject to review and approval by the County of Monterey.

12. FINDING: IMPACTS TO GROUNDWATER RESOURCES AND HYDROLOGY WILL BE MITIGATED TO LESS THAN SIGNIFICANT. Mitigation Measures MM 3.6-2a through MM 3.6-2c will reduce impacts to groundwater resources and hydrology to a less than significant level and are required as conditions of approval.

- EVIDENCE:**
- a) Mitigation Measure MM 3.6-2a. Prior to recording the Final Subdivision Map, Monterey County Health Department, Environmental Health Division shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. Water system improvement plans shall identify the water treatment facilities and how the water treatment facilities will remove all constituents that exceed California Primary and Secondary MCLs (e.g. arsenic, coliform, TDS, iron, etc.) from drinking water. These plans shall be subject to review by the Monterey County Health Department, and Environmental Health Division, California-American Water Company.
 - b) Mitigation Measure MM 3.6-2b. Prior to recording the Final Subdivision Map, the project applicant shall provide written agreement between the project applicant and the water purveyor requiring: a) the project applicant to convey to the water purveyor the newly constructed well, complete with water distribution and treatment infrastructure and fire flow water supply; b) the water purveyor shall operate the system as a satellite or stand alone system providing domestic and fire flow water supply to the subdivision in accordance with *Title 22, California Code of Regulations* and California Public Utility Commission standards. The total cost of water distribution infrastructure is to be born by the project applicant and not the water purveyor or its customers. This satellite water system is prohibited to be consolidated with any other water

system pumping of water solely outside of Monterey County Water Resources Agency Zone 2C.

- c) Mitigation Measure MM 3.6-2c. Within one month of completing the water system improvements, the Monterey County Health Department, Environmental Health Division shall require that the project applicant transfer the operation and monitoring of the water system to California-American Water Company. The water system operator shall monitor the water pumping volume and water quality of the Oaks Well and New Well in accordance with Chapters 15.04 and 15.08 of the *Monterey County Municipal Code* and Section 64480 of *Title 22, California Code of Regulations*. The amount of water delivered to the Oaks Subdivisions and Harper Canyon Subdivisions must be equal to the amount of water pumped from the Oaks Well and New Well. The water system operator shall have a qualified engineer prepare a water audit report, which shall be subject to review by the Monterey County Health Department, Environmental Health Division and Monterey County Water Resources Agency. The water audit report shall provide the water pumping volume and water quality, if the actual water pumping volume exceeds the estimated 12.75 AFY for the proposed project plus the 4.66 AFY for the Oaks Subdivision, the Monterey County Health Department, Environmental Health Division and Monterey County Water Resources Agency shall be notified immediately in writing. At that time, an evaluation of the water system may be required to determine if there is a maintenance issue or if further conservation restrictions are required.

13. FINDING: IMPACTS TO PUBLIC SERVICES AND UTILITIES WILL BE MITIGATED TO LESS THAN SIGNIFICANT. Mitigation Measure MM 3.9-4 will reduce impacts to public services and utilities to a less than significant level and is required as a condition of approval.

- EVIDENCE:** a) Mitigation Measure MM 3.9-4. Prior to filing of the Final Subdivision Map, Monterey County Division of Environmental Health shall require that the project applicant prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to approval by California Utility Service, Monterey Bay Unified Air Pollution Control District, and the County of Monterey. Upon review of the design, the project applicant shall be required to enter into a wastewater main extension agreement with California Utility Service.

In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the CUS facility exceeds 60% of its existing capacity, or the project would cause the facility to exceed its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board.

14. **FINDING:** **IMPACTS TO NOISE WILL BE MITIGATED TO LESS THAN SIGNIFICANT.** Mitigation Measure MM 3.11-3 will reduce noise impacts to a less than significant level and is required as a condition of approval.

- EVIDENCE:** a) Mitigation Measure MM 3.9-4. During the course of construction, Monterey County Planning Department shall require that the project applicant adhere to Monterey County's requirements for construction activities with respect to hours of operation, muffling of internal combustion engines, and other factors which affect construction noise generation and its effects on noise-sensitive land uses. This would include implementing the following measures:
- Limit noise-generating construction operations to between the least noise-sensitive periods of the day (e.g., 7:00 A.M. to 7:00 P.M.) Monday through Saturday; no construction operations on Sundays or holidays;
 - Locate construction equipment and equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses;
 - Ensure that construction equipment is properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds should be closed during equipment operation;
 - When not in use, motorized construction equipment should not be left idling; and
 - Install temporary noise barriers when activities would affect daytime noise-sensitive receptors (e.g., residential uses, schools, and churches).

15. **FINDING:** **CEQA. THE EIR DOES NOT REQUIRE RECIRCULATION.** The EIR does not require recirculation because the FEIR merely clarified and amplified the analysis in the DEIR and RDEIR and did not contain significant new information.

- EVIDENCE:** a) Mitigations Measures to address Visual Impacts were modified to require creation of building envelopes, vegetative screening, the use of natural materials in building and landscaping, and submittal of a planting plan to address revegetation of all roadways in the subdivision. These modifications further reduced potential visual impacts. See FEIR page 2-14, 2-15.
- b) Mitigations Measures to address Oak Woodlands were further amplified by including a requirement to contribute to the Oak Woodlands Conservation Fund. These modifications further reduced potential impacts to Oak Woodlands. See FEIR page 2-64. These modifications further reduced potential impacts to Oak Woodlands. See FEIR page 2-64
- c) Mitigations Measures to address Stormwater/Drainage were modified to include preparation of a Storm Water Pollution Prevention Plan and use of Low Impact Development (LID) techniques. These modifications further reduced potential impacts with respect to potential contamination to downstream waters from urban pollutants. See FEIR pages 2-68.

- d) Mitigations Measures to address Air Quality were clarified to include specific measures that are typically recommended by the MBUAPCD rather than more general mitigation measures. See FEIR pages 2-93.
- e) Mitigations Measures to address Wastewater were modified to ensure that the wastewater treatment facility has sufficient capacity to address the wastewater needs of the project at the time the applicant enters into a wastewater main extension agreement. See FEIR pages 2-105.
- f) Mitigations Measures with respect to Biological resources were modified to require submittal of preconstruction surveys, comprehensive landscaping plans and requirements for use of native species. See FEIR pages 3-16 to 3-18.

16. **FINDING:** **CEQA ALTERNATIVES TO THE PROPOSED PROJECT.** The EIR considered alternatives to the proposed project in compliance with CEQA Guidelines Section 15126.6 (See Section 5 of the DEIR). Specific economic, legal, social, technological or other considerations make infeasible the project alternatives identified in the EIR for the following reasons.

- EVIDENCE:**
- a) No Project/No Development Alternative. Under the No Project/No Development Alternative, the proposed project would not be implemented and the project site would remain in its existing condition. The Draft EIR found that the No Project/No Development Alternative would result in fewer impacts for all environmental topic areas relative to the project, with the exception of land use, which would have greater impact, and Public Services and Utilities, which would have similar or greater impacts. However, it would not meet any of the project objectives because it would not result in the subdivision of the property into 17 residential lots and a 180-acre remainder parcel.
 - b) Modified Subdivision Design 'A' Alternative. Under the Modified Subdivision Design 'A' Alternative, Lot #17 would be divided into two lots, creating a Parcel A for two inclusionary units to be developed on site, rather than requiring the project applicant to pay an in-lieu fee to fund construction of inclusionary housing elsewhere. This alternative would result in marginally greater impacts for most environmental impact areas due to the increased site disturbance for the additional two units, and would also add approximately two additional vehicle trips to the peak hour traffic. While this alternative would meet the project objectives to create 17 residential lots, it would result in marginally greater environmental impacts due to the additional vehicle traffic as a result of the two additional units, and was therefore not selected for implementation.
 - c) Modified Subdivision Design 'B' Alternative. Under the Modified Subdivision Design 'B' Alternative, four residential units would be eliminated under this scenario, reducing the overall density of the project. A decrease in density would generate fewer trips on surrounding roadways and State Route 68, which is currently operating at an unacceptable level of service. A decrease in density would also indirectly reduce noise and air pollutant emissions, though these reductions would be minimal. This alternative, however, does not meet the project objective to create 17 residential lots.

- d) Environmentally Superior Alternative. CEQA Guidelines Section 15126.6(e)(2) requires that the environmentally superior alternative be identified. If the environmentally superior alternative is the “No Project” Alternative, the EIR shall also identify an environmentally superior alternative among other alternatives. In this case, Alternative 3, “Modified Subdivision Design ‘B’” represents the environmentally superior alternative because, as determined from the EIR alternatives analysis, all impacts would be reduced relative to the proposed project. However, this alternative does not meet all of the proposed project objectives.

17. **FINDING** SUBDIVISION ORDINANCE (TITLE 19) – None of the findings found in Section 19.04.025.I of the Subdivision Ordinance can be made.

- EVIDENCE:**
- a) Section 19.03.025.F requires that the subdivision be denied if any one of the findings is made. Planning staff has analyzed the project against the findings for denial outlined in this section.
- b) **The proposed map is consistent with the general plan, area plan, coastal land use plan, or specific plan.** The proposed vesting tentative map, as conditioned, is consistent with the 1982 Monterey County General Plan and the Toro Area Plan. See Finding 1.
- c) **The design or improvements of the proposed subdivision are consistent with the applicable general plan, area plan, coastal land use plan, Master Plan or specific plan.** The design or improvement of the proposed subdivision, as conditioned, is consistent with the 1982 Monterey County General Plan and the Toro Area Plan. See Finding 1.
- d) **The site is physically suitable for the type of development.** The 344-acre project site consists primarily of grazing land on rolling terrain that ranges in elevation from about 340 to 1,020 feet above mean sea level. The proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the total trees located on the project site. Of the trees to be removed, approximately 14 percent of the trees are estimated to be greater than 12 inches in diameter. Approximately 20 to 26 percent of the trees to be removed are suffering from extensive decay, breakage, and/or low vigor. Tree removal would occur primarily within the limits of the grading area to install a 20-foot wide roadway that generally follows the existing dirt road on the project site. According to the Addendum to the Forest Management Plan dated June 2001 (April 28, 2008), tree impacts associated with development of proposed building sites are projected to be minimal since the building site locations are proposed in open areas containing grassland or mixed grass and shrub cover with only occasional oaks. The proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the total trees located on the project site. Of the trees to be removed, approximately 14 percent of the trees are estimated to be greater than 12 inches in diameter. Approximately 20 to 26 percent of the trees to be removed are suffering from extensive decay, breakage, and/or low vigor. Tree removal would occur primarily within the limits of the grading area to install a 20-foot wide roadway that generally follows the existing dirt road on the project site. According to the Addendum to the Forest Management Plan dated June 2001 (April 28, 2008), tree impacts associated with development of proposed building sites are projected to be minimal since the building site locations are proposed in open areas

containing grassland or mixed grass and shrub cover with only occasional oaks. The Final Forest Management Plan for the project is required to include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the *Monterey County Zoning Ordinance* and Section 21083.4 of the *CEQA Guidelines*. The archaeological and historical investigation conducted by PMC for the proposed project did not identify any cultural resources (e.g., prehistoric sites, historic sites, historic buildings, or isolated artifacts) either within or immediately adjacent to the project site. Therefore, it is not anticipated that the proposed project would affect any historical resources and/or unique archaeological resources. The project geotechnical report indicates on-site soils are suitable for development of the site, provided all improvements are constructed in accordance with the report recommendations. The subdivision will be served by a road of adequate width and construction to carry vehicles anticipated to access the site.

- e) **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 (pages 3.3-1 to 3.3-30) finds 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 procedures and mitigation measures.
- f) **The design of the subdivision or type of improvements is not likely to cause serious public health problems.** The water wells proposed to serve the project were tested and determined to not meet all applicable water quality standards. Therefore, a mitigation measure (MM 3.6-2a) is included requiring that prior to recording the Final Subdivision Map, Monterey County Health Department, Environmental Health Division shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. With implementation of this requirement, the subdivision water source capacity and water quality will meet the requirements of all applicable health and safety regulations.
- g) **The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.** No public easements occur on the site.
- h) **The subdivision meets the requirements or conditions imposed by the Subdivision Map Act or this Title (Title 19).** The project has been reviewed by County departments for conformance to Subdivision Map Act requirements. As conditioned, the project will conform to all applicable requirements.

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

- EVIDENCE:**
- a) According to the County of Monterey Redevelopment and Housing Office, the proposed project is subject to the *Monterey County Inclusionary Housing Ordinance* at the time the application was deemed complete, which was in November 2002. The applicable *Inclusionary Housing Ordinance* requires developers to contribute 15 percent of the new residential lots or units as low-and moderate-income units. This ordinance allows several options for compliance, including payment of an in-lieu fee. According to County of Monterey Redevelopment and Housing Office, payment of the in-lieu fee equal to \$409,555.50 (\$160,610/inclusionary unit) shall satisfy compliance with the *Monterey County Inclusionary Housing Ordinance*. Therefore, the proposed project is **consistent** with the *Monterey County Inclusionary Housing Ordinance*.
 - b) Memorandum from the County’s Redevelopment and Housing Office, dated January 2, 2009.
 - c) Materials in project file PLN000696.

19. **FINDING:** **TREE REMOVAL** – The project, as conditioned, is consistent with the regulations for Preservation of Oak and Other Protected Trees, Section 21.64.260.D of the Monterey County Zoning Ordinance (Title 21). As such, the proposed tree removal is the minimum required under the circumstances of the case and will not involve risk of adverse environmental impacts.

- EVIDENCE:**
- a) The proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the approximately 9,187 total trees located on the project site. Tree removal would occur primarily within the limits of the grading area to install the widened project roadway, and tree impacts associated with development of proposed building sites would be minimal since the building site locations are proposed primarily within the open areas of the site. The number of oak trees proposed for removal is therefore the minimum number required to develop the site as proposed.
 - b) Mitigation Measure MM 3.5-3b requires that prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure MM 3.3-3a. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement.
 - c) Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001.
 - d) Site visit by staff from the RMA-Planning Department and Monterey County’s EIR consultant (PMC).
 - e) Draft EIR, dated October 2008, Section 3.3.3. Mitigation measures have been recommended in the Draft EIR, and incorporated as project conditions of approval, to minimize impacts related to the proposed tree removal.

- f) Administrative records, including material in the RMA-Planning Department file PLN000696.

20. FINDING: OAK WOODLANDS – The project, as conditioned and mitigated, will not have significant environmental impacts to oak woodlands.

EVIDENCE: a) The proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the approximately 9,187 total trees estimated through sampling to be located on the project site. Of the total number of trees on-site 8,194 trees (68 proposed for removal) are estimated to be between 6"-11" in diameter, 913 trees (10 proposed for removal) are estimated to be between 12"-23" in diameter and 80 trees (1 proposed for removal) are estimated to be 24" and greater in diameter.

b) Pursuant to Public Resources Code section 21083.4, the County as a part of its environmental review must evaluate whether the project may result in a conversion of oak woodlands that will have a significant effect on the environment. If the County determines that the project may have a significant effect on oak woodlands, the County must require feasible mitigation measures to mitigate the significant effect of the conversion of oak woodlands. In this case, the project may result in a conversion of oak woodland that will have a significant impact on the environment but the effect is mitigated with the mitigation measures outlined in the FMP prepared for the proposed project and those recommended by Zander & Associates. The County has required several conditions of approval to mitigate the impact on oak woodlands. The proposed mitigation measures and conditions of approval fulfill and exceed those required by Public Resources Code Section 21083.4. Public Resources Code Section 21083.4 requires one or more of the following mitigation measures:

1. Conserve Oak woodlands through the use of conservation easements.
2. Plant an appropriate number of trees, including maintaining planting and replacing dead or diseased trees (maintenance measures are required for seven years after trees are planted, and planting of trees does not fulfill more than one half of the mitigation requirement.)
3. Contribute to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code.
4. Other mitigation measures developed by the county.

The proposed tree loss is minimal relation to the overall number of trees on the project site. Additionally, the trees proposed for removal are primarily located in the immediate vicinity of the existing dirt road on the site that is proposed for surfacing and widening, and the proposed homesites within each lot are located predominately in grassland areas, necessitating minimal oak removal. For these reasons, the overall oak woodland on the site will remain intact. In addition, the County would require that the scenic/conservation easement (outside of the proposed roads and building envelopes) shall include areas where stands of oak woodlands with over 10 percent canopy exists as well as those areas where slopes are in excess of 30 percent. The required conservation easements are consistent with mitigation measure alternative (1) as

established by Public Resources Code Section 21083.4. The project proposes Mitigation Measure MM 3.5-3a which includes tree replacement and protection measures specified in the Forest Management Plan (FMP) for the project and measures recommended by Zander & Associates to reduce impacts to less than significant. With regard to tree replacement, Mitigation Measure MM 3.5-3b requires that prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure MM 3.3-3a. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the *Monterey County Zoning Ordinance* and Section 21083.4 of the *CEQA Guidelines*. Further, the mitigation measure requires that replacement trees shall be monitored and maintained for a minimum of seven years after planting. A monitoring plan shall be prepared by a qualified professional forester, arborist, or horticulturalist, and shall be subject to review and approval by the County of Monterey Planning Department. In summary, Public Resources Code Section 21083.4 requires the County to require one or more of the oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands. The County is requiring two alternatives, and is therefore compliant with Public Resources Code Section 21083.4.

- c) The applicant is required to enter into an agreement to implement the MMRP pursuant to Condition No. 6.
- d) Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001.
- e) Site visit by staff from the RMA-Planning Department and Monterey County's EIR consultant (PMC).
- f) Draft EIR, dated October 2008, Section 3.3.3. Mitigation measures have been recommended in the Draft EIR, and incorporated as project conditions of approval, to minimize impacts related to the proposed tree removal.
- g) Administrative records, including material in the RMA-Planning Department file PLN000696.

21. FINDING: **WATER SUPPLY AND QUALITY** – The source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations pursuant to Monterey County Code Section 19.03.025.

EVIDENCE:

- a) Adequate water service is available at the site. No new wells are needed to serve the project because the project will draw water from two existing wells. The new homes will use water and therefore are considered to be “water consuming development.” Although the proposed project would procure water from within the San Benancio Gulch subarea of the El Toro Groundwater Basin, neither the wells for the proposed project nor the project site are located within a B-8 zoning designation. Additionally, according to MCWRA, this portion of the El Toro Planning area, including the project site, receive benefits of sustained groundwater levels attributed to the operation of both the

Nacimiento and San Antonio Reservoirs and will receive benefits of the Salinas Valley Water Project upon completion. According to the project hydrogeology report, the proposed project would have a water demand of approximately 12.75 AFY based on a demand value of 0.75 AFY per residence. The report further states that the San Benancio Gulch subarea is recharged by approximately 486 AFY through stormwater generation and precipitation. With buildout of approximately 542 units within the San Benancio Gulch subarea, the water demand is less than the annual recharge rate, providing a water surplus of approximately 29.9 AFY for the San Benancio Gulch subarea. This water surplus would be able to accommodate the proposed project's water demand of approximately 12.75 AFY.

- b) The water wells proposed to serve the project were tested and determined to not meet all applicable water quality standards. Therefore, a mitigation measure (MM 3.6-2a) is included requiring that prior to recording the Final Subdivision Map, Monterey County Health Department, Environmental Health Division shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. With implementation of this requirement, the subdivision water source capacity and water quality will meet the requirements of all applicable health and safety regulations.
- c) Evidence (a), (b), and (c) for Finding 13, above.
- d) Monterey, County Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003.

22. FINDING: **30 PERCENT SLOPES** – There is no feasible alternative which would allow development to occur on slopes of less than 30 percent. The proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and Toro Area Plan than other development alternatives.

- EVIDENCE:**
- a) D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001.
 - b) Zander Associates. Biological Resources Assessment. July 13, 2001 and November 11, 2005.
 - c) Development envelopes, including all building sites, have been located on slopes of less than 30 percent.
 - d) To access areas of the property determined suitable for residential development, limited areas of 30 percent slope must be crossed by infrastructure, such as roads and utilities. The areas of 30 percent slope where development is allowed consist of existing dirt roads that need to be improved to accommodate the project, fire safety requirements, and county private road requirements. The road system has been designed to achieve the maximum amount of resource protection while taking advantage of existing dirt roads, where possible, to minimize resource disturbance.
 - e) Harper Canyon (Encina Hills) Subdivision Draft EIR prepared by PMC dated October, 2008.

- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency – Planning Department for the proposed development found in Project File PLN000696.
- g) Evidence (d), Finding 1; evidence for Finding 6; Evidence (a) and (b), Finding 12.
- h) All undeveloped areas of the project that will contain slopes over 30 percent will be placed into a conservation and scenic easement, per the requirements of the conditions of approval.

23. FINDING: PUBLIC HEARING – The Planning Commission held a duly noticed public hearing on the project on June 30, 2010.

EVIDENCE: A public hearing notice was published in the Salinas Californian on June 16, 2010.

STATEMENT OF OVERRIDING CONSIDERATIONS

Finding Re: Traffic Impact

The Planning Commission has balanced the benefits of the proposed project against its environmental impact and finds that the benefits of the proposed project outweigh any unavoidable adverse environmental effects as a result of the up to 17 additional vehicle trips on SR 68 attributable to the project during the weekday A.M. and P.M. peak traffic hours. The Planning Commission finds, based on substantial evidence in the record, that the project’s unavoidable impact associated with the additional vehicle traffic is acceptable in light of the project’s benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite the significant impact identified herein, whether unavoidable or mitigable to a less-than-significant level.

The proposed project proposes to donate 154 acres of land to the Monterey County Parks Department for the enlargement of Toro Park, which will result in a significant addition to the size of the park, and enhancing its value as an open space and recreational resource for residents and visitors to the county.

The proposed project will contribute its fair share traffic impact fee to the TAMC Regional Development Impact Fee program, to be earmarked toward the future construction of the “State Route 68 Commuter Improvements” project. This project will widen a 2.3-mile section of SR 68 to four lanes between the existing 4-lane section adjacent to Toro Park and Corral de Tierra Road. This project would shorten the travel time on SR 68 in both directions; improve intersection operations at two locations from unacceptable to acceptable levels; and reduce the length of the queue on westbound SR 68 east of San Benancio Road during the weekday A.M. peak hour. Mitigation measures are included in the EIR requiring the project to contribute its fair share costs of the commuter improvement project through payment of the TAMC Regional Development Impact Fee (RDIF), or alternatively, to fully fund the preparation of the Caltrans Project Study Report (PSR) for the project. The contribution of the Harper Canyon project toward these improvements will ultimately result in substantial improvements to the operation of SR 68 as a vital transportation corridor between Salinas Valley and the Monterey Peninsula area, while the 17 additional vehicle trips added to the traffic on SR 68 will not contribute noticeably to the existing congestion on the highway during he weekday A.M. and P.M. peak traffic hours.

DECISION

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

Certify the Final EIR for the Harper Canyon (Encina Hills) Project (SCH2003071157);

Approve a Mitigation Monitoring and Reporting Plan (attached hereto as Attachment 1); and

Approve a Combined Development Permit consisting of a: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the expansion of a public water system; 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval, subject to Conditions of Approval (attached hereto as **Exhibit C, Attachment 1**).

PASSED AND ADOPTED this 30th day of June, 2010 upon motion ~~XXXX~~, seconded by ~~XXXX~~ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

NOTES

You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after mailing of the notice of the granting of the permit by the appropriate authority, or after granting the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department in Salinas.

This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

ATTACHMENT 1 Monterey County Resources Management Agency Planning Department Condition Compliance and Mitigation Monitoring and Reporting Plan	Project Name: <u>Harper Canyon (Encina Hills)</u> File No: <u>PLN000696</u> APN: <u>416-611-001-000 & 416-611-002-000</u> Approved by: <u>Planning Commission</u> Date: <u>June 30, 2010</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.		<p>PD001 - SPECIFIC USES ONLY</p> <p>The project is a Combined Development Permit consisting of a: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the expansion of a public water system; 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval. The property is located approximately 2,000 feet southeast of State Route 68 off of the northeast side of San Benancio Road. (Assessor's Parcel Numbers 416-611-001-000 and 416-611-002-000) Toro Area Plan.</p> <p>This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>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>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Combined Development Permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 416-611-001-000 and 416-611-002-000 on June 30, 2010. The Combined Development Permit was granted subject to 104 conditions of approval which run with the land. A copy of the Combined Development 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 recordation of the final map. (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 recordation of the final map</p>	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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,</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</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</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)
		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)	measures required for the discovery.			
4.		<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 claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>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>
5.		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)	The applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map.	
6.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1. Enter into agreement with the County to implement a Mitigation Monitoring Program. 2. Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Prior to the recordation of the final map.	
7.		PD015 - NOTE ON MAP STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the Final map stating: The following project reports, including: - Archeological Consulting. Preliminary Cultural Resources Reconnaissance of Portions of APN 416-211-21 and 415-011-01, San Benancio, Monterey County, California. March 22, 1993. - D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001. - Higgins Associates. Harper Canyon/Encina Hills	Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to the recordation of the final map	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>Subdivision Traffic Impact Analysis. Higgins Associates. May 28, 2008.</p> <ul style="list-style-type: none"> - Monterey, County of. Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003. - Pacific Municipal Consultants. Archaeological and Historical Resources Investigations for the Harper Canyon Project. May 2006 - Staub Forestry and Environmental Consulting. Addendum to Forest Management Plan dated June 2001 for Monterey County APNs 416-611-01 and 416-611-03 – Encina Hills. April 28, 2008. - Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001. - Zander Associates. Biological Resources Assessment. July 13, 2001. - Zander Associates. Biological Resources Assessment. November 11, 2005. - Zander Associates. Results of Follow-Up Survey. October 3, 2001. <p>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>				
8.		<p>PD016 – NOTICE OF REPORTS</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder, which states:</p> <p>The following project reports, including:</p> <ul style="list-style-type: none"> - Archeological Consulting. Preliminary Cultural Resources Reconnaissance of Portions of APN 416- 	Proof of recordation of this notice shall be furnished to RMA – Planning Department.	Owner/ Applicant	Prior to the recordation 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>211-21 and 415-011-01, San Benancio, Monterey County, California. March 22, 1993.</p> <ul style="list-style-type: none"> - D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001. - Higgins Associates. Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis. Higgins Associates. May 28, 2008. - Monterey, County of. Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003. - Pacific Municipal Consultants. Archaeological and Historical Resources Investigations for the Harper Canyon Project. May 2006 - Staub Forestry and Environmental Consulting. Addendum to Forest Management Plan dated June 2001 for Monterey County APNs 416-611-01 and 416-611-03 – Encina Hills. April 28, 2008. - Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001. - Zander Associates. Biological Resources Assessment. July 13, 2001. - Zander Associates. Biological Resources Assessment. November 11, 2005. - Zander Associates. Results of Follow-Up Survey. October 3, 2001. <p>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." (RMA - Planning Department)</p>				

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9.		<p>PDSP001 - DEED RESTRICTION – BEST MANAGEMENT PRACTICES</p> <p>Prior to the recording the final map the applicant shall record a deed restriction as a condition of project approval stating that:</p> <p>“Prior to any grading and construction and issuance of grading and building permits, throughout construction and ongoing, the owner/applicant and contractor and qualified biologist shall be adhere to following Best Management Practices (BMP’s) throughout construction activities to avoid impacts to the Coast Live Oak Forest habitat:</p> <ul style="list-style-type: none"> • Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary; • No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above; • No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional; • Roots exposed by excavation during construction shall be pruned promptly to promote callusing, closure, and regrowth; and • All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel. <p>1. Prior to commencement of project construction</p>	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p> <hr/> <p>Proof of recordation of the document shall be submitted to the RMA – Planning Department. A note shall be shown on the plans.</p>	<p>Owner/ Applicant</p> <hr/> <p>Owner/ Applicant</p>	<p>Prior to the recordation of the final map.</p> <hr/> <p>Prior to issuance of grading and building permits</p>	

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		<p>issuance of grading or building permits, throughout construction and ongoing, the applicant and their designated contractor shall be responsible for implementing Best Management Practice's.</p> <p>2. This mitigation monitoring measure shall be shown as a note on the plans.</p> <p>3. A monitoring inspection shall occur prior to issuance of grading and/or building permits. Submit a report of inspection to the RMA – Planning Director for review and approval.</p> <p>4. A monitoring inspection shall occur prior to occupancy or final permit. Submit a report of inspection to the RMA – Planning Director for review and approval.”</p> <p>(RMA – Planning Department)</p>				
10.		<p>PDSP002 – NON-STANDARD - Emergency Easement Access to adjacent western properties. Prior to the recordation of the final map, the applicant shall indicate and offer Emergency Easement Access to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision.</p> <p>(RMA – Planning Department, Salinas Rural Fire Department, Public Works Department)</p>	<p>The applicant shall explore with the Salinas Rural Fire Department the placement of Emergency Easement Access to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision, and then confirm to the Planning Department and Public Works Department that such easement is feasible and is shown on the Final Map.</p>	Owner/ Applicant	Prior to the recordation of the final map.	
			<p>Infrastructure as necessary to convey such emergency access shall also be designed and incorporated into roadway and subdivision improvements, subject to review and approval of the Planning Department and Public Works Department.</p>	Owner/ Applicant	Prior to the recordation of the final map.	

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			Appropriate documents as necessary to convey the Emergency Easement Access shall be prepared by the subdivider and presented to the Planning Department and Public Works Department for review and approval, and then shall be recorded as appropriate concurrently with the Final Map.	Owner/ Applicant	Prior to the recordation of the final map. And concurrent with the Final Map.	
11.		PDSP003 - NON-STANDARD - Building Areas to be setback from Toro Park. For those properties adjacent to Toro Regional Park, building areas shall be set back at least 100 feet to allow for control of vegetation and (fire) fuel loads. This setback of 100 feet would apply to Lots 1, 2, and 11-15. Presently it appears that only the homesite on Lot 11 would need to be adjusted 25 to 50 feet to accommodate this "fire safety" setback. The Final Map shall be illustrate a 100 foot distance/buffer intended for vegetation control, unencumbered by residential improvements. (RMA – Planning Department and Public Works Department)	The applicant shall amend the Final Map as necessary to restrict buildable areas from being within 100 feet of Toro Regional Park. Additionally, a note shall be shown on the plans indicating the setback restriction for those properties abutting Toro Regional Park.	Owner/ Applicant	Prior to the recordation of the final map.	
			Appropriate documents as necessary to convey the Setback Restriction to Toro Regional Park shall be prepared by the subdivider and presented to the Planning Department and Public Works Department for review and approval, and then shall be recorded as appropriate concurrently with the Final Map.	Owner/ Applicant	Prior to the recordation of the final map. And concurrent with the Final Map.	
12.		PDSP004 – NON-STANDARD – Expiration of approval. Approval for this Combined Development Permit shall expire three years from the signing of the Resolution of Approval. Should the applicant not act materially to record the Final Map and meet the Conditions of Approval and terms of the Mitigation Monitoring and Reporting Program within three years, this approval will expire. (RMA – Planning Department)	The applicant shall act materially to record the Final Map and meet the Conditions of Approval and terms of the Mitigation Monitoring and Reporting Program, or the approval will expire.	Owner/ Applicant	Within three years from the signing of the Resolution of Approval.	

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Redevelopment and Housing Office						
13.		RHOSP001 - AFFORDABLE HOUSING - The project is subject to the County's Inclusionary Housing Ordinance, #3419, which requires that prior to the recordation of the Final Map, the project applicant pay, or secure to the satisfaction of the Redevelopment and Housing Director, an In-Lieu fee of \$409,555.50, (\$160,610 per inclusionary unit, 2.55 equivalent units required). (Redevelopment and Housing Office)	Submit payment of In-Lieu fee, and/or executed documents to secure payment to the satisfaction of the Redevelopment and Housing director to the Redevelopment and Housing Office.	Owner/ Applicant	Prior to the recording of the Final Map	
Environmental Health						
14.		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	
15.		EH3 - WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM) Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. (Environmental Health)	Submit engineered plans for the water system improvements to [REDACTED] for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by [REDACTED] prior to installing or bonding the improvements	CA Licensed Engineer /Owner/ Applicant	Prior to filing final map	

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16.		EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)	Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.	CA Licensed Engineer /Owner/ Applicant	Prior to installing or bonding water system improvements	
17.		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)	The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.	CA Licensed Engineer /Owner/ Applicant	Prior to filing final map	
18.		EH6 - WATER SERVICE CAN/WILL SERVE Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that California American Company <u>can</u> and <u>will</u> supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)	Submit written certification to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map and/or issuance of a building permit	
19.		EH13 - DRAINAGE IMPROVEMENTS Submit plans for surface and subsurface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and <u>Prohibitions</u> of the Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map	

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20.		EH24 - SEWER SERVICE CAN/WILL SERVE Provide certification to the Division of Environmental Health that California Utility Services can and will provide sewer service for the proposed property/project. (Environmental Health)	Submit certification to Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of a building permit.	
21.		EH25 - INSTALL/BOND SEWER SYSTEM IMPROVEMENTS The developer shall install the sewer 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 sewer system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health)	Submit evidence to the Division of Environmental Health that the sewer system improvement installation has been accepted by the regulating agency or that the developer has entered into a Subdivision Improvement Agreement and has provided security acceptable to the County.	Owner/ Applicant	Prior to filing the final parcel map.	
Parks Department						
22.		PKS002 – RECREATION REQUIREMENTS/FEEES The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/ Applicant	Prior to the Record-ation of the Final Map	
23.		PKSSP001 – RECREATION REQUIREMENTS/LAND DEDICATION (NON-STANDARD CONDITION) The Applicant shall comply with Section 19.12.010 - Recreation Requirements, Subsection E.1., General Formula, by dedicating land to the Monterey County Parks Department that is contiguous to Toro County Park in the amount of approximately 154 acres with improvements to said land to satisfy recreation fees	The applicant shall submit to the Parks Department for review and approval the necessary documentation to facilitate the land donation prior to the recordation of the Final Map, including a plan for the improvements to be made on the dedicated parcels(s) to open the large meadow area at the center of the property for public use	Owner/ Applicant/ and County Parks Department	Prior to the Recordation of the Final Map	

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		otherwise imposed. The improvements shall include (1) the repair of the fencing that delineates the dedicated park property from the proposed subdivision toward discouraging trespassing into the park along this boundary, and (2) the removal of the fencing that divides the large meadow area at the center of the property for improved public use. The property transfer to the County Parks Department shall not be encumbered by a grazing lease, but shall be at the discretion solely of the County Parks Department. The applicant shall submit to the Parks Department for review and approval the necessary documentation to facilitate the land donation. (Parks Department)	by fence removal, and to discourage trespassing into the park from the proposed subdivision by repairing the fencing between the two properties.			
24.		PKSSP002 – NON STANDARD CONDITON While the final location of homesites may vary from the “approximate” homesite locations depicted on the Tentative Map, the final locations shall comply with the 30% slope and ridgeline regulations, as specified in Title 21. Additionally, in order to protect public views from Toro Park, no buildings shall be constructed on the highest knoll of Lot 1 or at other home sites along the Toro County Park boundary line so as not to be visible by park visitors. (Parks Department)	The applicant shall provide evidence to the County Parks Department that construction of residences along the Toro County Park boundary line is not visible to park visitors. The County Parks Department shall require at their discretion, such evidence as staking and flagging of the residences on-site, site visits, and/or simulated views imposed on photographs when viewed from public viewing areas within the park.	Owner/ Applicant and County Parks Department	Prior to the Issuance of Building Permits	
25.		PRKSSP003 – PROHIBITION AGAINST PRIVATE ENTRANCE INTO TORO COUNTY PARK (NON-STANDARD CONDITION) The 30-foot wide emergency access easement between Alta Lane and the Toro County Park boundary shall not be used as a public or private access point or a trail into the park. Prior to filing of the Final Map, the identification of this easement as a trail shall be removed from the map. (Parks Department)	The applicant shall install a fence and signage that prohibits use as an access point into Toro County Park and the Homeowner’s Association shall maintain that fence and signage to ensure its structural integrity and status as a bar to public or private access to Toro County Park. The County Parks Department shall review and approve this CC&R	Owner/ Applicant and County Parks Department	Prior to the Recordation of the Final Map	

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			provision, the fencing and signage, and may reinforce this prohibition with supplemental signage at appropriate locations at its discretion.			
Public Works						
26.		PW0015 – UTILITY’S COMMENTS Submit the approved tentative map to impacted utility companies. Subdivider shall provide confirmation to the Department of Public Works that the utility companies have reviewed and approved the tentative map. (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	
27.		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	
28.		PW0017 – NATURAL DRAINAGE EASEMENT Designate all natural drainage channels on the final map by easements labeled “Natural Drainage Easement.” (RMA- Public Works)	Subdivider shall submit proposed final map to the Public Works Department prior to recordation to verify compliance	Subdivider	Prior to Recordation of Final map	
29.		PW0020 – PRIVATE ROADS Designate all subdivision roads as private roads. (Public Works)	Subdivider’s Surveyor shall designate private roads on final map.	Subdivider	Ongoing	

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30.		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	
31.		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	
32.		PW0024 – STOP SIGN Install and maintain a stop sign at the private road intersection fronting proposed lots 12, 14, 15, and 16. (Public Works)	Subdivider/Applicant shall install and maintain stop sign.	Subdivider/ Applicant	Ongoing	
33.		PW0026 – PLANTING FOR GRADED AREAS Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following: a. That the cut and fill slopes be stabilized. b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a). c. Type and amount of maintenance required to satisfy item (a). (Public Works)	Subdivider's Engineer to include erosion control measures on improvement plans.	Subdivider/ Engineer	Prior to Recordation of Final Map	
34.		PW0027 – CUT/FILL SLOPE (2:1) Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geo-technical report. (Public Works)	Engineer shall include notes on Improvement Plans	Subdivider/ Engineer	Prior to Recordation of Final Map	

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35.		PW0030 – HOMEOWNERS ASSOCIATION Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)	Subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.	Subdivider	Prior to Recordation of Final Map	
36.		PW0032 – AS BUILT PLANS A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works)	Subdivider's Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.	Subdivider/ Engineer	Prior to Release of Bonds	
37.		PWSP001 - NON-STANDARD – CONSTRUCTION MANAGEMENT PLAN Prior to issuance of Grading Permits or Building Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)	Submit Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works	Project Applicant	Prior to issuance of grading or building permits.	

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38.		<p>PWSP002 - NON-STANDARD – TRAFFIC Prior to issuance of building permits the project applicant, alone or in concert with other stakeholders, shall fund, initiate and complete a Caltrans Project Study Report (PSR) process for a 1.1 mile State Route 68 widening project. The PSR process will identify total project costs, as well as the applicant’s fair share of those costs. In addition to paying for all or part of the “soft costs” of the widening PSR and design process, the applicant shall also pay a proportionate share of the proposed project’s construction hard costs prior to issuance building permits.</p> <p>Should Caltrans require that the PSR include the 2.3 mile “SR 68 Commuter Improvements” project identified within the updated TAMC Regional Impact Fee Nexus Study, the applicant shall only be responsible for funding a proportionate share of that larger study, as well as the proposed project’s fair share of hard construction costs. (Public Works)</p>	Initiate and complete Caltrans Project Study Report (PSR)	Project Applicant	Prior to issuance of building permits	
			Submit payment of proportionate share of cost of widening project to the Department of Public Works.	Project Applicant	Prior to issuance of building permits	
39.		<p>PWSP003 - NON-STANDARD – TRAFFIC Prior to approval of recordation of final map, the project applicant shall contract with a certified engineer to design roadway improvements to widen and resurface Meyer Road per the County of Monterey standards for a cul-de-sac private road (e.g. 18-foot wide roadbed). The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (Public Works)</p>	Obtain approval of roadway improvement plans from the Department of Public Works.	Project Applicant	Prior to Recordation of Final Map	
			Construct improvements to Meyer Road in accordance with approved roadway improvement plans.	Project Applicant	Prior to issuance of occupancy for any residential units.	

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40.		<p>PWSP004 - NON-STANDARD – TRAFFIC Prior to approval of recordation of final map, the project applicant shall contract with a qualified traffic engineer to prepare a sight distance improvement plan at the Meyer Road/San Benancio Road intersection. The improvement plan shall include but not be limited to the following: trimming the vegetation and grading the embankment in the vicinity of the intersection and installing right turn tapers into and out of Meyer Road. The design of all intersection improvements shall be subject to review and approval by the County of Monterey Public Works Department. All improvements shall be completed prior to occupancy of any residential units. (Public Works)</p>	<p>Obtain approval of sight distance improvement plans from the Department of Public Works.</p>	Project Applicant	Prior to approval of recordation of Final Map	
			<p>Implement site distance improvement plan in accordance with approved plans.</p>	Project Applicant	Prior to issuance of occupancy for any residential units.	
41.		<p>PWSP005 - NON-STANDARD – TRAFFIC Prior to approval of recordation of final map, the project applicant shall design and construct 12-foot wide southbound San Benancio Road left-turn lane at the Meyer Road/San Benancio Road intersection in accordance with Caltrans standards and guidelines. (Public Works)</p>	<p>Design and construct said improvements.</p>	Project Applicant	Prior to approval of recordation of Final Map	
42.		<p>PWSP006 - NON-STANDARD – TRAFFIC The applicant shall pay any traffic impact fees in effect at the time of building permits application. Such fees include the TAMC Regional Impact Fee, which will mitigate for cumulative impacts to roadway segments and intersections along State Route 68. If the proposed project contributes monetarily toward the extension of the State Route 68 in an amount greater than their calculated TAMC Impact Fee responsibility, the proposed project shall be credited for the TAMC fee, as they will be contributing their fair share toward cumulative impacts and regional improvements identified</p>	<p>Submit payment of required traffic impact fees.</p>	Project applicant	Prior to issuance of occupancy for any residential units.	

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		within the TAMC nexus study. (Public Works)				
43.		<p>PWSP007 - NON-STANDARD – TRAFFIC Prior to issuance of building permits, the applicant will pay a pro-rata contribution toward the following specific intersection improvements: (Public Works)</p> <ul style="list-style-type: none"> • Widen and restripe the northbound approach of the SR 218/SR 68 intersection to include one left-turn lane, one through lane, and one right-turn lane. Widen and restripe the eastbound approach to include two left-turn lanes, two through lanes and one right-turn lane. Install right turn overlap phasing at this location. • At the Laureles Grade/SR 68 intersection, convert the northbound right-turn to right-turn overlap phasing. • At the Corral de Tierra Road/SR 68 intersection, convert the northbound right-turn to right-turn overlap phasing. (Public Works) 	Submit payment for pro-rata contribution toward said improvements to the Department of Public Works.	Project applicant	Prior to issuance of building permits for any residential units.	
Water Resources Agency						
44.		<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.</p> <p>(A copy of the County's standard notice can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	Recordation of the notice shall occur concurrently with the final map	
45.		<p>WR42 - LANDSCAPING REQUIREMENTS A notice shall be recorded on the deed for each lot</p>	Submit the recorded notice to the Water Resources Agency for review	Owner/ Applicant	Recordation of the	

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		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)	and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)		notice shall occur concurrently with the final map	
46.		WR46 - C.C.&R. WATER CONSERVATION PROVISIONS The applicant shall provide the Water Resources Agency with a copy of the subdivision Covenants, Conditions and Restrictions containing the following provisions from Monterey County Ordinance No. 3932: "All new construction incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; 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; leak repair is the property owner's responsibility; vehicle and building washing shall use hoses equipped with shutoff nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain." (Water Resources Agency)	Submit the CC&R's to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing the final map	
47.		WRSP001 - DRAINAGE NOTE (NON-STANDARD WORDING) A note shall be recorded on the final map stating: "Impervious surface stormwater runoff shall be directed to the stormwater drainage system. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency." Prior to recordation of the final map, the applicant shall	Submit a copy of the final map to the Water Resources Agency for review and approval prior to recordation.	Owner/ Applicant	Prior to filing of final map	

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		provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)				
48.		<p>WRSP002 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT (NON-STANDARD WORDING)</p> <p>A homeowner's association, CSD, or similar entity shall be formed for the maintenance of roads and drainage facilities. Prior to filing the final map, a copy of a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> (Agreement) shall be provided to the Water Resources Agency for review & approval. The Agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Agency for review and approval no later than August 15 of each year. If the responsible party identified in the Agreement, after notice and hearing, fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements. 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 before the Board of Supervisors to determine the appropriateness of the cost. The Agreement shall be recorded concurrently with the final map. (Water Resources Agency)</p>	<p>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.</p> <p>(A copy of the County's standard agreement can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	Recorded concurrently with the final map	
49.		<p>WRSP003 - COMPLETION CERTIFICATION (NON-STANDARD WORDING)</p> <p>Prior to issuance of any building permits, the applicant shall provide the Water Resources Agency certification</p>	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance	Owner/ Applicant	Prior to issuance of any building permits	

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		from a registered civil engineer or licensed contractor that the stormwater detention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	with approved drainage plan.			
Salinas Rural Fire District						
50.		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 or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
51.		FIRE002 - ROADWAY ENGINEERING 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	

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		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)				
52.		FIRE006 - DEAD-END ROADS (4) For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. 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).	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	
53.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection.	

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		driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length (Salinas Rural Fire District)				
54.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (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	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection.	
55.		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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		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).	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
56.		<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, 1/2-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.	Applicant or owner	Prior to filing of final map.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision.	

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		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)				
57.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple 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. Permanent address numbers shall be posted prior to requesting final clearance. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
58.		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)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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59.		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).	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
60.		FIRE018 - GREENBELTS Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the Reviewing Authority. (Salinas Rural Fire District).	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to filing of final map.	
61.		FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS) 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 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 completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Salinas Rural Fire District).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	

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62.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) 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 A roof construction. (Salinas Rural Fire District).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
63.		FIRESPO01 - NON-STANDARD CONDITION - ROADWAY & WATER SYSTEM ENGINEERING PLANS Roadway and water system improvement plans shall be submitted and approved by the Salinas Rural Fire District prior to the approval of the subdivision final map. (Salinas Rural Fire District).	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans, submit plans to the Fire District, and obtain Fire District approval.	Applicant or owner	Prior to approval of final map.	
64.		FIRESPO02 - NON-STANDARD CONDITION - ROADWAY MAINTENANCE AGREEMENT The roadway maintenance agreement shall be executed and recorded. (Salinas Rural Fire District).	Applicant shall submit to the Fire District an executed and recorded copy of the roadway maintenance agreement.	Applicant or owner	Prior to approval of final map.	
65.		FIRESPO03 -NON-STANDARD CONDITIONS - HYDRANTS AND FIRE FLOW- Hydrants for fire protection shall be provided at locations approved by the Salinas Rural Fire District and shall conform to the following requirements: a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow requirement for one and two-family dwellings is 1,000 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Fire flow for one-and two-family dwellings protected with automatic fire sprinkler systems may be reduced to 500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. b. TIMING OF INSTALLATION - Approved fire	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans, submit plans to the Fire District, and obtain Fire District approval. <i>Applicant shall have improvements installed, and shall obtain fire department approval, test and acceptance of the water system improvements.</i>	Applicant or owner <i>Applicant or owner.</i>	Prior to approval of final map. Prior to issuance of building and/or grading permit.	

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		<p>protection water supply systems must be installed and made serviceable prior to the time of construction.</p> <p>c. HYDRANT/FIRE VALVE (ADDITION) – New hydrant(s) shall be installed.</p> <p>d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant(s) or fire valve(s) shall be 18 inches above grade, 8 feet from flammable vegetation, not closer than 4 feet and not further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.</p> <p>e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix B and in accordance with the following specifications:</p> <ol style="list-style-type: none"> 1. HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9. 2. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. <p>(Salinas Rural Fire District).</p>				

MITIGATION MEASURES

Aesthetics and Visual Resources

66.	MM 3.1-1	Prior to recording the Final Subdivision Map, the project applicant designate the knoll located along the eastern boundary of Lot #1 as a "scenic easement." The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur	Project applicant shall submit draft subdivision map to the RMA-Planning Department that designates the knoll located along the eastern boundary of Lot #1 as a "scenic	Applicant	Prior to the recordation of the Final Subdivision Map	
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		within the areas designated as “scenic easement.” (RMA-Planning Department)	easement”; and note in the map that areas within a “scenic easement” are not to be developed.			
67.	MM 3.1-2	Prior to recording the Final Subdivision Map, Monterey County Planning Department shall require that the project applicant designate all land that exceeds slopes of 30 percent as “scenic easements” in accordance with Policy 26.1.10 of the <i>Monterey County General Plan</i> , except where roadway improvements have no other alternative. This includes land exceeding 30 percent slopes within the 17 residential lots. The Final Subdivision Map shall identify the areas within a “scenic easement” and note that no development shall occur within the areas designated as “scenic easement.” (RMA-Planning Department)	Project applicant shall submit draft subdivision map to the RMA-Planning Department that designates all land exceeding slopes of 30 percent as “scenic easements”, except where roadway improvements have no other alternative.	Applicant	Prior to the recordation of the Final Subdivision Map	
68.	MM 3.1-2b	To further reduce the potential visibility of residential development from common viewing areas, Toro Park, BLM public lands and State Route 68, prior to recording the Final Subdivision Map, the project applicant shall designate building envelopes on each proposed lot to define the building area. The building envelopes shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. These shall be subject to review and approval by the RMA-Planning Department. (RMA-Planning Department)	The project applicant shall designate building envelopes on each proposed lot to define the building area.	Applicant	Prior to recording the Final Subdivision Map	
69.	MM 3.1-2c	In order to preserve the visual character of the project site and surrounding area, the project applicant shall prepare design standards that shall be recorded on the titles for all of the parcels. These shall apply to all site development, architectural design and landscape plans. These shall include the following elements: a) use of natural materials, simulated natural materials,	The project applicant shall record design standards on the title for all parcels on the project site.	Applicant	Prior to the recordation of the Title	

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		texturing and/or coloring that will be used for all walkways, patios, and buildings. b) Use of rolled curbs for areas where curbs may be required; c) Substantial use of vegetative screening using a native drought tolerant plant palette to obscure off-site view; d) Re-planting with native grasses and vegetation of any roadways serving the subdivision and individual parcels; and e) A planting plan shall be submitted to the RMA-Planning Department for review and approval prior to the approval of grading plans for creation of subdivision roadways. A planting plan shall be submitted as part of the Design Review approval process for each residential lot. (RMA-Planning Department)	The project applicant shall submit planting plan to the RMA-Planning Department for review and approval.	Owner/ Applicant/ RMA Planning	Prior to Grading Permit Approval for roadways and during design review for each residential lots.	
70.	MM 3.1-4	Prior to issuance of building permits or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on lots proposed on the project site, Monterey County Planning Department shall require that the project applicant prepare and submit for review and approval a detailed lighting plan that indicates the location, type, and wattage of all light fixtures to be installed on the project site and include catalog sheets for each fixture. The lighting plan shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The lighting plan shall be consistent with Section 18.28 of <i>Monterey County Code</i> , to minimize glare and light spill. All external lighting shall be indicated on project improvement plans, subject to review and approval by the County of Monterey. (RMA-Planning Department)	Project applicant shall submit detailed lighting plans to the RMA-Planning Department for review and approval.	Owner / Applicant	Prior to issuance of building or grading permits, whichever occurs first	
Air Quality						

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71.	MM 3.2-1a	<p>During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce airborne particulate matter, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the <i>Monterey County General Plan</i>. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure; • Prohibit all grading activities during periods of high wind (over 15 mph); • Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days); • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas; • Cover all trucks hauling soil, sand, and other loose materials and require all trucks to maintain at least 2 feet of freeboard; • Plant vegetation ground cover in disturbed areas as quickly as possible; • Sweep daily, with water sweepers, all paved access roads, parking areas and staging areas at construction sites; • Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets; • Plant tree windbreaks on the windward perimeter of construction project if adjacent to open land; 	<p>Project applicant shall submit a grading plan to the RMA-Planning Department noting best available control measures for minimizing PM₁₀ emissions.</p> <p>The requirements of MM 3.2-1a shall be implemented, during construction by the contractor.</p>	<p>Applicant</p> <p>Contractor</p>	<p>Prior to issuance of grading permits</p> <p>During Construction</p>	

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		<ul style="list-style-type: none"> • Cover inactive storage piles; • Install wheel washers at the entrance to construction sites for all existing trucks; • Pave all roads on construction sites; • Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints; and • Limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading). <p>(RMA-Planning Department)</p>				
72.	MM 3.2-1b	<p>During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce toxic air contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the <i>Monterey County General Plan</i>. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Limit the hours of operation and quantity of heavy duty equipment in use at one time; • Use gasoline-powered equipment in lieu of diesel powered equipment as much as possible; • Use PuriNOx emulsified diesel fuel in existing engines; • Modify engine with ARB verified retrofit; • Repower heavy equipment with current standard diesel technology or CNG/LNG technology; • Limit the area under construction at any one time. <p>Water all active construction areas at least twice</p>	<p>Project applicant shall submit a grading plan to the RMA-Planning Department that demonstrates how the best available control measures for controlling ozone precursors (NOx and ROG), SOx, CO, and other toxic air contaminate emissions will be implemented during grading and construction of the project.</p> <p>Contractor shall be responsible for implementing the approved plan to ensure control of ozone precursors (NOx and ROG), SOx, CO, and other toxic air contaminate emissions.</p>	<p>Applicant</p> <p>Contractor</p>	<p>Prior to obtaining grading permits</p> <p>During grading and construction activities</p>	

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		<p>daily;</p> <ul style="list-style-type: none"> • Prohibit grading activities when winds exceed 15 miles per hour; • Apply chemical soil stabilizer on inactive construction areas that are unused for at least four consecutive days; • Apply non-toxic binders to exposed areas after cut and fill operations and hydroseed area; • Haul tracks shall maintain at least 2'0" of freeboard; • Cover all trucks hauling dirt, sand, or loose materials; • Plant vegetative ground cover in disturbed areas as soon as possible; • Cover inactive storage piles; and • Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall also be visible to ensure compliance with Rule 402 (Nuisance). <p>(RMA-Planning Department)</p>				
Biological Resources						
73.	MM 3.3-1a	<p>Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements, the project applicant shall submit for review and approval a pre-construction survey report. The pre-construction survey shall be prepared in consultation with a qualified biologist to summarize additional pre-construction focused plant surveys to be conducted in April and July to confirm the presence or absence of special status plants during the blooming period to reduce the potential</p>	<p>Project applicant shall contract with a qualified biologist to conduct a pre-construction survey in April and July to determine the presence of special status-plant species. The focused plant survey shall be subject to review and approval by the RMA-Planning Department</p>	<p>Applicant/ Qualified Biologist</p>	<p>April and July , prior to issuance of grading / building permit</p>	

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		<p>loss of these species. These species are listed in Table 3.3-3, Additional Pre-Construction Focused Plant Surveys of the DEIR. If no individuals are observed, no further action is required. If individuals are found a report shall be prepared detailing the species potentially affected by the proposed project and the appropriate mitigation measures to reduce the loss of individuals, including siting development to minimize disturbance or removal of special status plant species. Informal consultation with CDFG/USFWS may be required. If Monterey spineflowers are found, informal consultation with USFWS shall be required. Mitigation may include but not be limited to avoidance of populations, restoration, maintenance, and enhancement and obtaining an Incidental Take Permit from the USFWS and notification with the CDFG. (RMA-Planning Department)</p>	<p>Project applicant shall submit a biological report that identifies the species potentially affected and appropriate mitigation measures to reduce loss of special status plants to the RMA- Planning Department for review and verification of compliance with MM 3.3-1a.</p> <p>If Monterey spineflower is found on the project site, the CDFG/USFWS shall be consulted and appropriate permits as needed obtained.</p>			
74.	MM 3.3-1b	<p>Damage to Monterey Manzanita (<i>Arctostaphylos montereyensis</i>) shall be avoided or replaced during construction. If the approximate locations of the home sites change within Lots #2 and #13, the project applicant shall hire a qualified biologist to cultivate stock of Monterey Manzanita plants from existing plants located within these lots. The individual Monterey Manzanita plants removed from within Lots #2 and #13 shall be replaced at a 3:1 ratio within undeveloped areas of Lots #2 and #13 using stock collected by qualified biologist. (RMA-Planning Department)</p>	<p>Project applicants for Lots #2 and #13 shall contract with a qualified biologist to prepare a plan that demonstrates how avoidance and/or replacement of Monterey Manzanita will occur during grading and construction of the project. The plan shall be submitted to the RMA-Planning Department for review and approval.</p> <p>If locations of home sites within Lots #2 and #13 change, the applicant shall contract with a qualified biologist to remove and preserve stock of Monterey Manzanita plants located within the area of disturbance</p>	Applicant/ Qualified Biologist	Prior to issuance of grading and/or building permit for lots #2 and #13	

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			and the preserved Monterey Manzanita plants shall be replaced at a 3:1 ratio within undeveloped areas of lots #2 and #13.			
75.	MM 3.3-2a	Prior to issuance of building permit, Monterey County Planning Department shall require that the project applicant submit for review and approval a comprehensive landscape plan prepared in consultation with a qualified botanist. The plant list shall exclude any invasive and non-native plants and emphasize the use of native species requiring minimal irrigation, herbicides, pesticides, or fertilizers and are drought-tolerant native species from local sources. Drought-tolerant non-native species may be used if they are known to be non-invasive. (RMA-Planning Department)	Project applicant shall submit to RMA-Planning Department a landscape design plan prepared by a qualified botanist that complies with the requirements of MM 3.3-2a .	Applicant/ Qualified Botanist	Prior to issuance of building permit	
76.	MM 3.3-2b	Prior to final inspection of grading permit for subdivision improvements, Monterey County Planning Department shall require that the project applicant control the introduction of non-native, invasive plants through rapid re-vegetation of denuded areas with plants and seed harvested from areas proposed for development or other appropriate seed mixes. The seed mix selected shall contain native species of local genetic stock. If non-native species are within the mix, the species must be known not to be invasive or persistent. The seed mix shall contain species known to compete well against non-native, invasive species. In areas of re-vegetation, non-landscaped disruption and adjacent to landscaping, the project applicant shall have a botanist or resource ecologist annually monitor for non-native species and invasive plant species, especially French broom, for a period of three years and provide an annual written status report to Monterey County Planning Department. (RMA-Planning Department)	<p>Project applicant shall submit a grading plan to the RMA- Planning Department that details the re-vegetation plan for denuded areas.</p> <p>Project applicant shall plant denuded areas with local genetic stock plants and seed prior to final inspection of grading permit.</p> <p>In areas of re-vegetation, the applicant shall contract with a qualified botanist or resource ecologist to submit to the RMA-Planning Department annual reports for three years, to monitor and inspect surrounding landscaped areas adjacent to re-vegetated areas to</p>	<p>Applicant/ Qualified Botanist or Resources Ecologist.</p> <p>Applicant</p> <p>Applicant</p>	<p>Prior to issuance of grading permit for subdivision improvements</p> <p>Prior to final inspection of grading permit.</p> <p>Annual reporting for a period of 3 years from re-vegetation</p>	

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			ensure no non-native and invasive plant species are growing.			
77.	MM 3.3-2c	Monterey County Planning Department shall require that the project applicant consult with a qualified botanist to develop CC&Rs that describes the native flora and fauna and provides guidelines for homeowners to follow which limit disturbance of native habitat. Said CC&Rs shall be recorded with the final map for each parcel created by the Final Subdivision Map. (RMA-Planning Department)	Project applicant shall submit a draft subdivision map that notes conditions, covenants and restrictions (CCRs) prepared in consultation with a qualified botanist, describing the native flora and fauna and provides guidelines for homeowners to follow to limit disturbance of native habitat.	Applicant/ Qualified Botanist	Prior to recordation of Final Subdivision Map	
78.	MM 3.3-2d	Prior to issuance of building or grading permits, whichever comes first, the Monterey County Planning Department shall require that the project applicant to design the proposed development on the project site so that homesites, landscaped areas and outbuildings are located a minimum of 75 feet to 100 feet from the active drainage channels to avoid filling or disturbing natural drainage courses. In the event that disturbances cannot be avoided (culverts, storm drain outfalls, etc.), the necessary permits from the California Department of Fish and Game (CDFG) through section 1600 of the Fish and Game Code and/or the U.S. Army Corps of Engineers (USACE) through Section 404 of the Clean Water Act may be required. Necessary permits and/or authorizations should be obtained from appropriate regulatory agencies prior to any activity that might encroach on drainage channels. (RMA-Planning Department)	Submit subdivision map that identifies all active drainage channels to the Monterey County Planning Department. Applicant shall consult with and obtain necessary permits from CDFG and the for those lots that propose development within 100 feet of active drainage channels	Applicant	Prior to recordation of Final Subdivision Map Prior to issuance of building or grading permits, whichever occurs first.	
79.	MM3. 3-3a	Prior to the issuance of grading and/or building permits, whichever comes first, the project applicant shall submit for review and approval a Final Forest Management Plan, prepared by a qualified forest manager, that minimizes the removal of coast live oak (<i>Quercus agrifolia</i>) trees in	Project applicant shall submit a <i>Final Forest Management Plan</i> that has been prepared by a qualified forester and complies with MM 3.3-3a, MM 3.3-3b, Section 21083.4 of the CEQA	Applicant/ Qualified Forester	Prior to issuance of grading / building permit	

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		accordance with the recommendations in Section 21083.4 of the <i>CEQA Guidelines</i> and the <i>Forest Management Plan</i> that was prepared for the proposed project by Staub Forestry and Environmental Consulting in June 2001. A professional forest manager shall identify where trees can be retained and establish conservation easements, trees that need pruning, areas that require keyed fills, etc. All recommended pruning shall be performed by a qualified arborist or other tree professional and occur prior to commencement of grading. The Final Forest Management Plan shall be subject to review and approval by the Monterey County Planning Department prior to issuance of grading permits. (RMA-Planning Department)	<i>Guidelines</i> , and the <i>Forest Management Plan</i> prepared in June 2001.			
80.	MM 3.3-3b	Prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure MM 3.3-3a. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the Monterey County Zoning Ordinance and Section 21083.4 of the <i>CEQA Guidelines</i> . Tree replacement on residential lots shall occur as space permits and may not exceed more than one tree per 10 foot by 10 foot block of available space. If a specific lot does not allow for replanting of trees, the project applicant shall have a qualified forester identify an alternate location for replanting on the project site. Tree replacement for infrastructure tree removals shall be placed within any scenic easements and/or the portion of the "Remainder	Project applicant shall submit a Final Forest Management Plan that has been prepared by a qualified forester that identifies and mitigates for oak tree removal in accordance with Section 21.64.260 of the Monterey County Zoning Ordinance and Section 21083.4 of the <i>CEQA Guidelines</i> .	Applicant/ Qualified Forester	Prior to issuance of building or grading permit.	

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		<p>Parcel" that would be dedicated to the Monterey County Parks District as an extension of the adjacent Toro Park. All trees shall be replaced with coast live oak (<i>Quercus agrifolia</i>) trees obtained from onsite sources or should be grown from local native seed stock in sizes not greater than five gallons, with one gallon or smaller being preferred to increase chances of successful adaptation to the project conditions. Replacement trees shall be monitored and maintained for a minimum of seven years after planting. The monitoring plan shall be prepared by a qualified professional forester, arborist, or horticulturalist, and shall be subject to review and approval by the County of Monterey Planning Department.</p> <p>In addition, the owner/applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. The owner/applicant shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The amount of the contribution to the Oak Woodlands Conservation Fund shall be determined according to the procedures set forth in the Oak Woodland Impact Decision Matrix-2008 prepared by the UC Integrated Hardwood Range Management Program.</p> <p>(RMA-Planning Department)</p>	<p>Annual monitoring plan report shall be submitted to the RMA-Planning Department for a period of seven years from the date of replanting.</p> <p>Owner/Applicant shall contribute funds to the Oak Woodlands Conservation Fund.</p>	<p>Applicant/ Qualified Forester</p> <p>Applicant/ Owner</p>	<p>Annual monitoring for a period of seven years</p> <p>Prior to issuance of building/grading permit.</p>	
81.	MM 3.3-3c	The applicant shall prepare for review and approval Covenants, Conditions, and Restrictions (CC&Rs) in consultation with a qualified professional forester, that shall include oak tree protection measures as outlined in the <i>Forest Management Plan</i> (Staub Forestry and	Project applicant shall submit a draft subdivision map noting conditions, covenants and restrictions (CCRs), prepared in consultation with a qualified forester, that incorporate	Applicant/ Qualified Forester	Prior to recordation of Final Subdivision Map	

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		<p>Environmental Consulting 2001) on individual lots as part of future home construction to minimize the damage to oak trees and ensure successful replanting. These measures shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> • Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary; • No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above; • No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional; • Roots exposed by excavation during construction shall be pruned promptly to promote callusing, closure, and regrowth; and • All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel. <p>Said CC&Rs shall be recorded with the final map, for each parcel created by the final map. (RMA-Planning Department)</p>	<p>oak tree protection measures the <i>Forest Management Plan</i> (2001) for individual lots as outlined to minimize the damage to oak trees and ensure successful replanting.</p>			
82.	MM 3.3-4	<p>Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on the project site the project applicant shall prepare, in consultation with a</p>	<p>Project applicant shall contract with a qualified biologist to conduct pre-construction surveys for special status bat species. The pre-construction</p>	Applicant/ Qualified Biologist	Prior to tree removal or issuance of grading /	

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		<p>qualified biologist, a pre-construction survey for special-status bat species within the project site to comply with the California Fish and Game (CDFG) Code relative to special status bat maternity roosts. Prior to tree removal in the coast live oak woodland, a qualified biologist shall survey the trees to evaluate their potential use by special-status bat species. If special-status bat species are determined to be using these trees, or trees in the immediate vicinity, the biologist shall provide recommendations to avoid harming individual bats or disturbance of active roosts. If the biologist recommends active removal of bats, a Memorandum of Understanding (MOU) with the CDFG shall be obtained. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFG that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that documents mitigation for loss of bat roosting habitat should be prepared by a qualified biologist and approved by CDFG prior to tree removal. (RMA-Planning Department)</p>	<p>survey shall verify the presence or absence of special status bat species, as required by CDFG, and be submitted to the RMA-Planning Department for review and verification of compliance with MM 3.3-4.</p> <p>If special status bat species are found in the vicinity of the project a qualified biologist shall provide recommendations to avoid harming or disturbing individual or roosting bats. Obtain an MOU from CDFG, if special status bat species are found and active removal of bats is necessary, the applicant shall submit to CDFG for review and approval an implementation and relocation plan and a mitigation and monitoring plan prepared by a qualified biologist.</p>		building permits	
83.	MM 3.3-5	<p>No more than 30 days prior to grading or construction in oak woodland habitat, the project applicant shall contract with a qualified biologist to complete a pre-construction survey for the Monterey dusky-footed woodrat for review and approval by the Monterey County Resource Management Agency – Director of Planning. If individuals of these species are observed, a salvage and relocation program shall be prepared in coordination with CDFG to prevent death or injury to individuals of these</p>	<p>Project applicant shall contract with a qualified biologist to conduct pre-construction surveys for the Monterey dusky-footed woodrat no more than 30 days prior to grading or construction in oak woodland Project applicant shall submit pre-construction survey to the RMA-Planning Department for review and</p>	Applicant/ Qualified Biologist	No more than 30 days prior to grading	

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		species during grading or construction operations. The salvage program shall include measures to remove individuals from the project site prior to and during project grading and construction, and to relocate them to a suitable location within the project site. (RMA-Planning Department)	verification of compliance with MM 3.3-5 and CDFG code. If individuals of these species are observed, a salvage and a relocation program shall be prepared by a qualified biologist, in coordination with CDFG, that includes measures to remove and relocated individuals from the project site as well as to prevent death or injury to individuals of the species during grading or construction operations.	Qualified Biologist	Prior to grading and construction	
84.	MM 3.3-6	Surveys shall be conducted no more than 30 days prior to ground disturbance during the nesting seasons for local avian species (typically February 1 st through August 31 st). The Monterey County Planning Department shall require that the project applicant retain a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of the construction area. If active nests are located during preconstruction surveys, USFWS and/or CDFG (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the non-breeding season (between August 1 st and November 1st). (RMA-Planning Department)	Submit a pre-construction survey for active nests of raptors and migratory birds species that has been prepared by a qualified biologist no more than 30 days prior to ground disturbance during the nesting season of local avian species (typically February 1 st through August 31 st) to the Monterey County Planning Department for review and verification of compliance with MM 3.3-6 . If active nests are located, the biologist shall notify CDFG/USFWS (as appropriate) of the status of the nests and agency recommendations regarding nest avoidance measures implemented. Contractor shall restrict construction activities to avoid disturbance of nest until it is abandoned or until the biologist deems potential disturbance to be minimal.	Applicant/ Qualified Biologist Contractor	No more than 30 days prior to ground disturbance and construction during the nesting season of local avian species (February 1 st through August 31 st)	

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Cultural and Historic Resources						
85.	MM 3.4-1	<p>If archaeological resources or human remains are discovered during grading or construction, the following steps shall be taken immediately upon discovery:</p> <p>a) There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>b) The coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required, and</p> <p>c) If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> • The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. • The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinian, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. • The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or • Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human 	<p>Conditions of MM 3.4-1 shall be noted on Final Subdivision Map and submitted to the RMA-Planning Department for review and approval.</p> <p>Stop work immediately and contact the RMA-Planning Department and a qualified archeologist, if human remains are discovered the county corner shall also be contacted. The planner and archaeologist shall conduct a site visit to determine the extant of the resources and develop proper mitigation measures required for the discovery.</p>	<p>Applicant</p> <p>Contractor</p>	<p>Prior to recordation of Final Subdivision Map</p> <p>Upon discovery of archeological resources or human remains</p>	

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		<p>remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> o The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation with 24 hours after being notified by the commission. o The descendent identified fails to make a recommendation; or o The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measure acceptable to the landowner. <p>(RMA-Planning Department)</p>				
Geology and Soils						
86.	MM 3.5-1	<p>Prior to issuance of building permit, the Monterey County Building Services Department shall require that the project applicant consult with a qualified engineer to prepare design level geotechnical reports in accordance with the current edition of the California Building Code and the recommendations contained within the <i>Geologic and Geotechnical Feasibility Study</i> prepared by D&M Consulting Engineers in August 2001. Said reports shall be submitted for plan check with any improvement plans including earthwork, water tank construction/installation, or foundation construction. The <i>Geological and Geotechnical Feasibility Study</i> provides specific recommendations regarding site preparation and construction of foundations, retaining walls, utilities, sidewalks, roadways, subsurface drainage, and</p>	<p>Project applicant shall submit to the RMA-Building Services Department a design level geotechnical report that has been prepared by a qualified engineer and meets the requirements of MM 3.5-1, the California Building Code, and the <i>Geologic and Geotechnical Feasibility Study</i> (2001)</p> <p>Project applicant / contractor shall submit to the RMA-Building Services Department certification from a qualified engineer verifying all development on the project site has been constructed in accordance with</p>	<p>Applicant / Qualified Engineer</p> <p>Applicant/ Qualified Engineering Geologist</p>	<p>Prior to issuance of building permit</p> <p>Prior to final inspection</p>	

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		<p>landscaping features based on the lot characteristics and proximity to the fault at the project site. In addition, <i>Geological and Geotechnical Feasibility Study</i> provides specific recommendations regarding slope stability and energy dissipation measures, the recommended location of homesites on Lots #8, #9, #11, and Lots #13 through #16, and reconstruction of the steep slope near Lots #8 and #9. All slope stability and energy dissipation measures shall be incorporated into the site grading plans and constructed concurrent with grading activities.</p> <p>During the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the <i>Geological and Geotechnical Feasibility Study</i>. Prior to final inspection, the project applicant shall provide certification from a qualified professional engineer that all development has been constructed in accordance with all applicable geologic and geotechnical reports. (RMA-Building Services Department)</p>	<p>applicable geologic and geotechnical reports.</p> <p>Project applicant / contractor shall contract with a qualified engineering geologist to be onsite during all grading activities in order to provide onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the <i>Geological and Geotechnical Feasibility Study (2001)</i>.</p>	Contractor	During grading and construction activities	
87.	MM 3.5-2a	<p>Prior to issuance of building permits, the Monterey County Planning Department shall require that the project applicant design the building envelopes to minimize slope failure on Lot #17 by restricting development of structures on the north facing slope of Lot #17, due to the steep terrain. The homesite and driveway for Lot #17 shall be placed on the south side of the ridge similar to the driveway and building envelope design shown in Figure 3.5-4, Potential Driveway and Building Envelope for Lot #17, of the DEIR and subject to review and approval by the recommending engineering geologist and the County of Monterey. (RMA-Planning Department)</p>	<p>Project applicant shall submit a draft site plan for Lot #17 that shows the building envelope and driveway located on the south side of the ridge in order to minimize slope failure.</p> <p>Project applicant shall consult with a qualified engineering geologist and the RMA-Planning Department.</p>	Applicant	Prior to issuance of building permit	

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88.	MM 3.5-2b	Prior to final subdivision map approval, the Monterey County Planning Department shall require that the project applicant update the Subdivision Map to reflect the revised and approved driveway and building envelope design for Lot #17. (RMA-Planning Department)	Submit to the RMA-Planning Department a draft subdivision map that identifies the revised and approved driveway and building envelope location on Lot #17.	Applicant	Prior to Final Subdivision Map approval	
89.	MM 3.5-3	Prior to issuance of grading and building permits, the project applicant shall contract with a registered engineer to design a subsurface drainage system for review and approval by Monterey County Resource Management Agency – Director of Planning and the Director of Public Works where perched groundwater exists on the project site, including but not limited to Lots #2, #8, #9, #10, #11 and Lots #13 through #16. Subsurface drainage system shall be designed and installed in accordance with the recommendations provided in the <i>Geological and Geotechnical Feasibility Study</i> prepared by D&M Consulting Engineers in August 2001. These improvements shall be included in the final improvement plans for the proposed project and installed concurrent with site preparation and grading activities associated with future residential development. Prior to final inspection of grading permits for subdivision improvements, the project applicant shall submit certification prepared by a registered engineer verifying that the improvements were installed according to the findings and recommendations in the <i>Geological and Geotechnical Feasibility Study</i> . (RMA-Planning Department and RMA-Building Services Department)	<p>Project applicant shall submit to the RMA-Planning Department improvement plans prepared by a registered engineer that identify a subsurface drainage system designed in accordance with recommendations provided in the <i>Geological and Geotechnical Feasibility Study</i> prepared by D&M Consulting in August 2001.</p> <p>Project applicant/contractor shall submit to the RMA-Building Service Department certification of a registered engineer verifying improvements were installed according to the <i>Geological and Geotechnical Feasibility Study (2001)</i>.</p>	<p>Applicant</p> <p>Applicant / Registered Engineer</p> <p>Contractor</p>	<p>Prior to issuance of grading and building permits</p> <p>During site preparation and grading activities</p>	
90.	MM 3.5-6	Prior to issuance of grading permit, Monterey County Public Works Department, Planning Department and Water Resources Agency shall require that the project applicant contract with a registered engineer to prepare an erosion control plan and a Storm Water Pollution	Project applicant shall submit an erosion control plan and a Storm Water Pollution Prevention Plan (SWPP) that has been prepared by a registered engineer and is consistent	Applicant/ Registered Engineer	Prior to issuance of grading permit	

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		<p>Prevention Plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediments are minimized during site preparation, construction, and post construction periods. The erosion control plan and SWPPP shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Prevention System and <i>Monterey County Ordinance 16.12.80, Land Clearing</i>. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. The SWPPP shall be consistent with the Central Coast Water Quality Control Board standards. (RMA-Public Works Department, RMA-Planning Department and Monterey County WRA)</p>	<p>with MM 3.5-6, the National Pollution Discharge Prevention System, <i>Monterey County Ordinance 16.12.80, Land Clearing</i> and the standards of the Central Coast Water Quality Control Board. The erosion control plan and SWPPP shall be subject to review and approval by the RMA-Public Works Department, RMA- Planning Department, and the Monterey County Water Resource Agency.</p>			
Groundwater Resources and Hydrology						
91.	MM 3.6-2a	<p>Prior to recording the Final Subdivision Map, Monterey County Health Department, Environmental Health Division shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. Water system improvement plans shall identify the water treatment facilities. The California American Water Company Ambler Park Facility shall be utilized for water treatment and how the water treatment facilities will remove all constituents that exceed California Primary and Secondary MCLs (e.g. arsenic, coliform, TDS, iron,</p>	<p>Project applicant shall submit to the Monterey County Health Department, Environmental Health Division and the California American Water Company a water system improvement installation design and plan that has been prepared by a qualified engineer and meets the standards and requirements outlined by MM 3.6-2a. The improvement plans shall be subject to the review and approval by the Monterey County Health Department, Environmental Health Division and the California-American Water Company.</p>	Applicant/ Qualified Engineer	Prior to recordation of the Final Subdivision Map	

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		etc.) from drinking water. These plans shall be subject to review by the Monterey County Health Department, and Environmental Health Division, California-American Water Company. (Monterey County Health Department, Environmental Health Division)				
92.	MM 3.6-2b	Prior to recording the Final Subdivision Map, the project applicant shall provide written agreement between the project applicant and the water purveyor requiring: a) the project applicant to convey to the water purveyor the newly constructed well, complete with water distribution and treatment infrastructure and fire flow water supply; b) the water purveyor shall operate the system as a satellite or stand alone system providing domestic and fire flow water supply to the subdivision in accordance with <i>Title 22, California Code of Regulations</i> and California Public Utility Commission standards. The total cost of water distribution infrastructure is to be born by the project applicant and not the water purveyor or its customers. This satellite water system is prohibited to be consolidated with any other water system pumping of water solely outside of Monterey County Water Resources Agency Zone 2C. (RMA – Planning Department, Monterey County Health Department, Environmental Health Division)	Project applicant shall submit to the RMA-Planning Department and the Monterey County Water Resources Agency a written agreement between the project applicant and the water purveyor that includes the requirements outlined in MM 3.6-2b .	Applicant	Prior to recordation of the Final Subdivision Map	
93.	MM 3.6-2c	Within one month of completing the water system improvements, the Monterey County Health Department, Environmental Health Division shall require that the project applicant transfer the operation and monitoring of the water system to California-American Water Company. The water system operator shall monitor the water pumping volume and water quality of the Oaks Well and New Well in accordance with Chapters 15.04 and 15.08 of the <i>Monterey County Municipal Code</i> and Section 64480 of <i>Title 22, California Code of</i>	Project applicant shall transfer the operation and monitoring of the water system to California-American Water Company. The Water system operator (California-American Water Company) shall monitor the water pumping volume and quality of the	Applicant Applicant/ Cal-Am Water Company	Within one month of completing of the water system improvements	

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		<p><i>Regulations.</i> The amount of water delivered to the Oaks Subdivisions and Harper Canyon Subdivisions must be equal to the amount of water pumped from the Oaks Well and New Well. The water system operator shall have a qualified engineer prepare a water audit report, which shall be subject to review by the Monterey County Health Department, Environmental Health Division and Monterey County Water Resources Agency. The water audit report shall provide the water pumping volume and water quality, if the actual water pumping volume exceeds the estimated 12.75 AFY for the proposed project plus the 4.66 AFY for the Oaks Subdivision, the Monterey County Health Department, Environmental Health Division and Monterey County Water Resources Agency shall be notified immediately in writing. At that time, an evaluation of the water system may be required to determine if there is a maintenance issue or if further conservation restrictions are required. (Monterey County Health Department, Environmental Health Division and Monterey County WRA)</p>	<p>Oaks Well and New Well in accordance with MM 3.6-2c.</p> <p>Project applicant / Cal-Am shall submit to the Monterey County Health Department, Environmental Health Division and the Monterey County Water Resources Agency a water audit report and associated monitoring data that have been prepared by a qualified engineer and meets the requirements outlined in MM 3.6-2c.</p>	Applicant/ Cal-Am Water Company / Qualified engineer	Post construction of water system improvements	
Hydrology and Water Quality						
94.	MM 3.7-2	<p>Prior to recording the Final Subdivision Map, Monterey County Planning Department and Monterey County Water Resources Agency shall require that the project applicant contract with a registered civil engineer to prepare a final drainage plan. The drainage control plan shall include detention ponds to limit storm water runoff generated by the development of impervious surfaces. The detention ponds shall be designed to detain the difference between the 100-year post-development runoff rate and the 10-year pre-development runoff rate in accordance with Section 16.16.040.B.5 of the <i>Monterey County Code</i> and Monterey County Water Resource Agency (MCWRA). All of the detention basins shall be</p>	<p>Project applicant shall submit to the RMA-Public Works Department and the Monterey County Water Resource Agency a final drainage plan prepared by a qualified civil engineer that adheres to the requirements outlined by MM 3.7-2.</p>	Applicant/ Qualified Civil Engineer	Prior to the recordation of Final Subdivision Map	

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		<p>fenced for public safety.</p> <p>In addition, the drainage plan shall incorporate mitigation measures as recommended in the <i>Geological and Geotechnical Feasibility Study</i> prepared by D&M Consulting Engineers including, but not limited to: installing lined ditches above and below any engineered slopes, and above existing erosion gullies; use of vegetative matting and hydroseeding on slopes; installation of erosion-control landscaping; reduction of ponding water; grading of land that prevents surface water flow over the tops of slopes; construction of berms at the top of slopes; installation of concrete v-ditches; and control of irrigation on slopes. The final drainage plan shall be submitted for review and approval by the Public Works Department and Monterey County Water Resources Agency prior to the recording the Final Subdivision Map. (RMA-Public Works Department and Monterey County WRA)</p>				
95.	MM 3.7-3	<p>In order to prevent the potential contamination of downstream waters from urban pollutants, Monterey County Planning Department, Public Works Department and Water Resources Agency shall require that the storm drainage system design, required under mitigation measure MM 3.7-2, includes a Storm Water Pollution Prevention Plan (SWPPP) and Low Impact Development (LID) design techniques. Such techniques include but is are not limited to the following components: grease/oil separators (where required by Public Works); sediment separation; vegetative filtering to open drainage conveyances and retention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other LID design and pollution control techniques. Said provisions shall be incorporated into the</p>	<p>Project applicant shall submit to the RMA-Planning Department, RMA-Public Works Department, and the Monterey County Water Resource Agency storm drainage plans prepared by a qualified civil engineer that meets the requirements outlined by MM 3.7-3.</p> <p>Project applicant/contractor shall submit to the RMA-Planning Department, RMA-Public Works Department, and the Monterey County Water Resource Agency a report prepared by a qualified drainage engineer verifying installation of the drainage system in</p>	<p>Applicant/ Qualified Civil Engineer</p> <p>Applicant/ contractor / Qualified Drainage Engineer</p>	<p>Prior to issuance of building or grading permit, whichever comes first</p> <p>Prior to final grading permit sign off</p>	

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		storm drain system plans submitted to the county prior to issuance of building or grading permits, whichever occurs first. A report shall be submitted prior to final inspection verifying that installation of the system occurred pursuant to said drainage system plan. In the event that the drainage system was not installed according to recommendations of plan, measures shall be recommended by a qualified drainage engineer or equal professional recommendations to ensure that the final installed system meets the recommendations of the approved drainage plan. All plans shall meet current Public Works and Building Department standards. (RMA-Planning Department, RMA-Public Works Department, and Monterey County WRA)	accordance with MM 3.7-3.			
Public Services and Utilities						
96.	MM 3.9-4	<p>Prior to filing of the Final Subdivision Map, Monterey County Division of Environmental Health shall require that the project applicant prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to approval by California Utility Service, Monterey Bay Unified Air Pollution Control District, and the County of Monterey. Upon review of the design, the project applicant shall be required to enter into a wastewater main extension agreement with California Utility Service.</p> <p>In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing</p>	<p>Project applicant shall submit to the Monterey County Health Department, Environmental Health Division, the California Utility Service, and the Monterey Bay Unified Air Pollution Control District wastewater collection improvement plans prepared by a registered engineer that meet the requirements of the California Utility Service, the Monterey Bay Unified Air Pollution Control District, and the County of Monterey.</p> <p>Project applicant and the California Utility Service shall enter into a wastewater main extension agreement.</p> <p>Project applicant shall submit to the</p>	<p>Applicant / Registered Engineer</p> <p>Applicant/ California Utility Service</p>	<p>Prior to recordation of the Final Subdivision Map</p> <p>Upon review of wastewater collection improvement design</p>	

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		wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the CUS facility exceeds 60% of its existing capacity, or the project would cause the facility to exceed its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board. (Monterey County Health Department, Environmental Health Division)	Monterey County Health Department, Environmental Health Division, proof the existing wastewater treatment plant is meeting current effluent limitations and will not exceed 60% of its existing capacity.			
97.	MM 3.10-1	<p>Prior to issuance of building permits, the project applicant shall comply with one of the following actions to improve operations at intersections and roadway segments along State Route 68:</p> <ul style="list-style-type: none"> a. Upon issuance of each building permit for proposed development on the project site, each applicant shall contribute their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time, as required under mitigation measure MM 3.10-6. The TAMC RDIF payment will be earmarked for completion of the Caltrans Project Study Report (PSR) for the 2.3-mile "State Route 68 Commuter Improvements" project identified within the TAMC RDIF or; b. Prior to the issuance of the first building permit for proposed development on the project site, the applicant shall pay the entire fair share for all 17 single family residential units towards the "State Route 68 Commuter Improvements" through payment of the TAMC RDIF, as required under mitigation measure MM 3.10-6 or; c. The project applicant shall fund, initiate and 	Project applicant shall submit to the RMA-Planning Department, RMA-Public Works Department, and the Transportation Agency of Monterey County proof of compliance with MM 3.10-1 .	Applicant	Prior to issuance of building permits	

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		<p>complete a Caltrans Project Study Report (PSR) process for the 2.3-mile "State Route 68 Commuter Improvements" project identified within the TAMC RDIF. The PSR process will identify the total roadway improvement costs, as well as each project applicant's proportionate fair share of those costs. If the cost of the PSR for the "State Route 68 Commuter Improvements" exceeds the project's proportionate fair share of the TAMC RDIF obligation, the applicant shall be reimbursed the amount in excess of their proportionate fair share. Monterey County will enter into a reimbursement agreement with the project applicant to refund the costs in excess of their proportionate fair share of the TAMC RDIF as additional fees are collected from other applicants and sources.</p> <p>(RMA-Planning Department, RMA-Public Works Department, and Transportation Agency of Monterey County)</p>				
98.	MM 3.10-3	<p>Prior to approval of final improvement plans, the project applicant shall contract with a registered engineer to design roadway improvements to widen and resurface Meyer Road per the County of Monterey standards for a cul-de-sac private road (e.g. 18-foot wide roadbed). The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (RMA-Public Works Department)</p>	<p>Project applicant shall submit to the RMA-Public Works Department a roadway improvement plan prepared by a registered engineer that meets the requirements outlined by MM 3.10-3.</p>	<p>Applicant / Registered Engineer</p>	<p>Prior to approval of Final Improvement Plans</p>	
99.	MM 3.10-4a	<p>Prior to approval of final improvement plans, the Monterey County Public Works Department shall require that the project applicant contract with a registered engineer to prepare a sight distance improvement plan at the Meyer Road/San Benancio Road intersection. The</p>	<p>Project applicant shall contract with a registered engineer to design and roadway intersection improvements and sight distance improvement plans for the Meyer Road/ San Benancio</p>	<p>Applicant/ Registered Engineer</p>	<p>Prior to approval of final improvement plans</p>	

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		improvement plan shall include but not be limited to the following: trimming the vegetation and grading the embankment in the vicinity of the intersection and installing right turn tapers into and out of Meyer Road. The design of all intersection improvements shall be subject to review and approval by the County of Monterey Public Works Department. All improvements shall be completed prior to occupancy of any residential units. (RMA-Public Works Department)	Road Intersection in accordance with the requirements outlined by MM 3.10-4a . Plans shall be submitted to the RMA-Public Works Department for review, approval, and verification of compliance of MM 3.10-4a . Contractor shall complete roadway improvements prior to occupancy of any residential units.	Contractor	Prior to issuance of occupancy permit	
100.	MM 3.10-4b	Prior to approval of final improvement plans, the Monterey County Public Works Department shall require that the project applicant shall design and construct a southbound San Benancio Road left-turn lane at the Meyer Road/San Benancio Road intersection in accordance with the Monterey County Public Works Department standards and guidelines. (RMA-Public Works Department)	Project applicant shall contract with a registered engineer to design and plan roadway improvement design and construction plans for the southbound San Benancio Road left turn lane at the Meyer Road/San Benancio intersection. Plans shall be submitted to the RMA-Public Works Department for review, approval and verification of compliance with MM 3.10-4b .	Applicant/ Registered Engineer	Prior to approval of final improvement plans	
101.	MM 3.10-6	The Monterey County Resource Management Agency shall require the project applicant to pay any traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees include, but are not limited to, the TAMC Regional Development Impact Fee (RDIF). Payment of the TAMC RDIF may be done so under the options listed in mitigation measure MM 3.10-1. The funds contributed toward the "State Route 68 Commuter Improvements" project as required under mitigation measure MM 3.10-1 shall be credited towards their total proportionate fair share of the TAMC RDIF, as they will be contributing their fair share towards regional improvements identified	Project applicant shall submit to the RMA-Planning Department proof of payment of any traffic impact fees.	Applicant	Prior to issuance of building permit	

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		<p>within the TAMC Regional Improvement Nexus Study Update. If implementation of mitigation measure MM 3.10-1 requires the project applicant(s) to contribute towards the “State Route 68 Commuter Improvements” in an amount greater than their fair share identified in the PSR and/or their total fair share of the TAMC RDIF, the project applicant shall be reimbursed as additional funds are collected by other applicants or sources. Payment of the RDIF is considered appropriate and sufficient mitigation for cumulative traffic impacts. (RMA-Planning Department)</p>				
Noise						
102.	MM 3.11-3	<p>During the course of construction, Monterey County Planning Department shall require that the project applicant adhere to Monterey County’s requirements for construction activities with respect to hours of operation, muffling of internal combustion engines, and other factors which affect construction noise generation and its effects on noise-sensitive land uses. This would include implementing the following measures:</p> <ul style="list-style-type: none"> • Limit noise-generating construction operations to between the least noise-sensitive periods of the day (e.g., 7:00 A.M. to 7:00 P.M.) Monday through Saturday; no construction operations on Sundays or holidays; • Locate construction equipment and equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses; • Ensure that construction equipment is properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers’ recommendations. Equipment engine shrouds should be closed during equipment operation; 	<p>Project applicant shall submit improvement plans that note requirements of MM 3.11-3. Contractor shall implement the noise generation reduction measures outlined by MM 3.11-3.</p> <p>Applicant / contractor shall submit to RMA-Building Service Department monthly reports during construction.</p>	<p>Applicant/ Contractor</p> <p>Applicant/ Contractor</p>	<p>During the course of construction</p>	

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		<ul style="list-style-type: none"> • When not in use, motorized construction equipment should not be left idling; and • Install temporary noise barriers when activities would affect daytime noise-sensitive receptors (e.g., residential uses, schools, and churches). <p>(RMA-Planning Department)</p>				