

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 8, 2010	Time: 9:00 a.m.	Agenda Item No.: 1
<p>Project Description: Combined Development Permit consisting of: 1) Preliminary Project Review Map and a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker unit/public office, a tract sales office and a security gatehouse.</p>		
<p>Project Location: Carmel Valley Road between Canada Way and Valley Greens Drive, Carmel Valley</p>		<p>APNs: 015-171-010-000, 015-171-012-000, 015-361-013-000, and 015-361-014-000</p>
<p>Planning File Number: PC95062 / PLN050001</p>		<p>Owner: September Ranch Partners Agent: Lombardo & Gilles</p>
<p>Planning Area: Carmel Valley Master Plan</p>		<p>Flagged and staked: Yes</p>
<p>Zoning Designation: : RDR/10-D-S-RAZ [Rural Density Residential, 10 acres per unit with Design Control, Site Plan Review, and Residential Allocation Zoning District Overlays] and LDR/2.5-D-S-RAZ [Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review, and Residential Allocation Zoning District Overlays]</p>		
<p>CEQA Action: Environmental Impact Report</p>		
<p>Department: RMA - Planning Department</p>		

RECOMMENDATION:

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

- 1) Recommend that the Board of Supervisors certify the Final Revised Environmental Impact Report including the Final Revised Water Demand Analysis;
- 2) Recommend that the Board of Supervisors approve the Project subject to recommended conditions of approval (**Exhibit C-1**); and
- 3) Recommend that the Board of Supervisors adopt the Mitigation Monitoring and Reporting Program for the Project (**Exhibit C-1**).

PROJECT OVERVIEW:

The first Environmental Impact Report (EIR) for the September Ranch Subdivision was certified by the County in 1998. In 2001, the Sixth District Court of Appeal affirmed a Superior Court determination that additional analysis was needed with respect to water supply baseline, water rights, water-related mitigation, and growth-inducing impacts. In 2006, the County took a fresh look at the Project and all potential impacts. On December 12, 2006 the County certified the

Revised EIR for the September Ranch Subdivision ("Revised EIR") and approved the combined development permit for the September Ranch Subdivision Project consisting of 73 market rate homes, 15 inclusionary units and 7 workforce units (Resolution No. 06-363).

The Revised EIR was again challenged pursuant to the California Environmental Quality Act (CEQA), and in September 2008 the Superior Court found the Revised EIR legally sufficient with the exception of the issue of water demand, water cap, and cumulative impacts as to water demand. The Court directed the County to vacate the certification of the EIR, void the approvals of the Project, and take no further action on the Project "without the preparation, circulation, and consideration under CEQA of a legally adequate document adopted in compliance with CEQA which properly analyzes water demand, water cap, and cumulative impacts as to water demand." (Judgments Granting Peremptory Writ of Mandate, issued September 16, 2008 and September 30, 2008 (Monterey County Superior Court Case Nos. M82632 and M82643).) In compliance with the writ, on July 21, 2009, the Board of Supervisors adopted Resolution No. 09-356, which rescinded Resolution No. 06-363 and, thereby, vacated the certification of the Final Revised EIR and voided the approval of permits and entitlements for the September Ranch Project.

The County prepared a Revised Water Demand Analysis (**Exhibit F**) to comprehensively reanalyze water demand for the Project pursuant to direction of the Monterey County Superior Court and the requirements of CEQA, Public Resources Code § 21000 et seq., and implementing regulations, Title 14, California Code of Regulations § 15000 et seq. The Revised Water Demand Analysis is a recirculated portion of the September Ranch Revised Environmental Impact Report (EIR) and was circulated for review through the State Clearinghouse with comments accepted from August 11, 2009 to September 28, 2009. The Revised Water Demand Analysis fulfills the Court's direction for analysis of water demand, water cap, and cumulative impacts as to water demand.

OTHER AGENCY INVOLVEMENT: The following agencies have reviewed the project and those that are checked (✓) have recommended conditions:

✓ Water Resources Agency	✓ Carmel Valley Fire Protection District
✓ Environmental Health Division	✓ Sheriff's Office
✓ Public Works Department	✓ Housing & Redevelopment
✓ Parks Department	

Conditions recommended by each of the agencies noted above have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as **Exhibit 1** to the draft resolution (**Exhibit C**).

LUAC RECOMMENDATION:

The Carmel Valley Land Use Advisory Committee (LUAC) unanimously recommended denial of the project at their meeting on March 21, 2005.



Laura M. Lawrence, R.E.H.S., Planning Services Manager
(831) 755-5148, lawrencel@co.monterey.ca.us
August 31, 2010

cc: Front Counter Copy; Planning Commission; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Carol Allen, Senior Secretary; September Ranch Partners, Owner; Lombardo & Gilles, Agent; Law Offices of Michael Stamp; Planning File PLN050001.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Conditions of Approval and Mitigation Monitoring and Reporting Program
2. Vesting Tentative Map
3. Board of Supervisors Resolution 06-363
4. Peremptory Writ of Mandate Superior Court of Monterey County (Nos. M82632 and M82643)
Exhibit D Vicinity Map
Exhibit E Final Revised Water Demand Analysis (distributed to the Planning Commission, Property Owner, Property Owner's Agent, and the Law Offices of Michael Stamp)*
Exhibit F March 21, 2005 LUAC Minutes (excerpted)

*available for public review upon request


This report was reviewed by Mike Novo, Director of Planning

EXHIBIT A

Project Data Sheet for PLN050001

Project Title: SEPTEMBER RANCH PARTNERS	Primary APN: 015-171-010-000
Location: CARMEL VALLEY RD CARMEL	Coastal Zone: No
Applicable Plan: Carmel Valley Master Plan	Zoning: LDR/2.5-D-S-RAZ & RDR/10-D-S-RAZ
Permit Type: Combined Development Permit,	Plan Designation: RDR-5+ acres/unit & LDR-5 to 1 ac
Environmental Status: Environmental Impact Report Prepared	Final Action Deadline (884): 7/11/1996
Advisory Committee: Carmel Valley	

Project Site Data:

Lot Size: Varies	Coverage Allowed: 25%
Existing Structures (sf): Yes	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: Yes	Erosion Hazard Zone: HIGH/MOD.
Biological Report #: PC95062	Soils Report #: PC95062
Forest Management Rpt. #: PC95062	
Archaeological Sensitivity Zone: HIGH/MOD.	Geologic Hazard Zone: IV
Archaeological Report #: PC95062	Geologic Report #: PC95062
Fire Hazard Zone: HIGH	Traffic Report #: PC95062

Other Information:

Water Source: NEW WATER SYSTEM	Sewage Disposal (method): SEWER
Water Dist/Co: N/A	Sewer District Name: CAWD
Fire District: CARMEL VALLEY FPD	Grading (cubic yds.): 100,000
Tree Removal: 3,582	

EXHIBIT B DISCUSSION

Project History

The first Environmental Impact Report (EIR) for the September Ranch Subdivision was certified by the County in 1998. In 2001, the Sixth District Court of Appeal affirmed a Superior Court determination that additional analysis was needed with respect to water supply baseline, water rights, water-related mitigation, and growth-inducing impacts. In 2006, the County took a fresh look at the Project and all potential impacts. On December 12, 2006 the County certified a Revised EIR for the September Ranch Subdivision ("Revised EIR") and approved the combined development permit for the September Ranch Subdivision Project consisting of 73 market rate homes, 15 inclusionary units and 7 workforce units (Resolution No. 06-363).

The Revised EIR was again challenged pursuant to the California Environmental Quality Act (CEQA), and in September 2008 the Superior Court found the Revised EIR legally sufficient with the exception of the issue of water demand, water cap, and cumulative impacts as to water demand. The Court directed the County to vacate the certification of the Revised EIR, void the approvals of the Project, and take no further action on the Project "without the preparation, circulation, and consideration under CEQA of a legally adequate document adopted in compliance with CEQA which properly analyzes water demand, water cap, and cumulative impacts as to water demand." (Judgments Granting Peremptory Writ of Mandate, issued September 16, 2008 and September 30, 2008 (Monterey County Superior Court Case Nos. M82632 and M82643; Peremptory Writ of Mandate signed by the judge on December 23, 2008 and signed by the Court's Clerk on January 23, 2009, attached as Exhibit C-4 to this staff report).) In compliance with the writ, on July 21, 2009, the Board of Supervisors adopted Resolution No. 09-356, which rescinded Resolution No. 06-363 and, thereby, vacated the certification of the Revised EIR and voided the approval of permits and entitlements for the September Ranch Project.

Revised Water Demand Analysis

The County prepared the Revised Water Demand Analysis to comprehensively reanalyze water demand for the Project pursuant to direction of the Monterey County Superior Court and the requirements of CEQA, Public Resources Code § 21000 et seq., and implementing regulations, Title 14, California Code of Regulations § 15000 et seq. The Revised Water Demand Analysis is a recirculated portion of the Revised EIR.

Specifically, the Revised Water Demand Analysis replaces and updates the following:

- Replaces the Revised EIR's water demand analysis, which consists of the two full paragraphs and table (Table 4.3-5) immediately following the heading "Less than Significant Impact – Substantially Degrade Groundwater or Interfere with Groundwater Recharge" within the Water Supply and Availability Chapter on pages 4.3-41 to 4.3-42 of the Recirculated Portion of the Draft Revised EIR;
- Replaces Master Response 17 in the July 2006 Final EIR on pages 3-15 to 3-19.
- Updates Table 5-1 and some accompanying text within the Cumulative Impacts Analysis Section (Section 5.1.1) on pages 5-2 and 5-3 of the Recirculated Portion of the Draft Revised EIR.

The Revised Water Demand Analysis was circulated for review through the State Clearinghouse, with comments accepted from August 11, 2009 to September 28, 2009. The Revised Water Demand Analysis fulfills the Court's direction for analysis of water demand, water cap, and cumulative impacts as to water demand.

Planning Commission Hearing

The Project comes before the Planning Commission for recommendation following the preparation of the Final Revised Water Demand Analysis dated August 2010. The Final Revised Water Demand Analysis, together with the 2006 Final Revised EIR, provides the environmental review of the Project (Final EIR). The Project analyzed in the Final Revised Water Demand Analysis is the 73/22 Alternative as identified in the 2006 EIR and as modified by the Board in 2006 because the applicant is no longer pursuing the larger project that it had originally proposed.

As a result of the Board's adoption of Resolution No. 09-356 which satisfied the Peremptory Writ of Mandate by rescinding the prior certification of the 2006 Final Revised EIR and the prior approval of the project, the Board of Supervisors is the appropriate authority to consider certification of the Final Revised EIR with the Final Revised Water Demand Analysis and to once more consider action on the Project application. The role of the Planning Commission is to make recommendations to the Board on these actions following the Planning Commission's consideration of the Final EIR. It is expected that the Commission's principal focus will be on the Final Revised Water Demand Analysis, which substantively reanalyzed the issues of water demand, water cap, and cumulative effects as to water demand and, thus, replaces and updates the relevant portions of the 2006 Final Revised EIR. The court has already determined that the 2006 Final Revised EIR contained a legally adequate discussion on all other issues.

**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:

SEPTEMBER RANCH PARTNERS (PLN050001)

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Planning
Commission:

- 1) Recommending that the Board of Supervisors certify the Final Revised Environmental Impact Report including the Final Revised Water Demand Analysis;
- 2) Recommending that the Board of Supervisors approve the Project subject to recommended conditions of approval (**Exhibit 1**); and
- 3) Recommending that the Board of Supervisors adopt the Mitigation Monitoring and Reporting Program for the Project (**Exhibit 1**).

(PC95062 / PLN050001, September Ranch Partners, Carmel Valley Road, Carmel Valley Master Plan (APNs: 015-171-010-000, 015-171-012-000, 015-361-013-000, AND 015-361-014-000))

The September Ranch Partners application (PC95062 / PLN050001) came on for public hearing before the Monterey County Planning Commission on September 8, 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:** **PROJECT BACKGROUND.** The September Ranch Partners Combined Development Permit, as described in Condition #1 in Exhibit 1, attached, consists of: 1) a Preliminary Project Review Map and Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial

use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker unit/public office, a tract sales office and a security gatehouse (hereafter "the Project"). The Project comes before the Planning Commission for recommendation and for action by the Board of Supervisors following the preparation of the Final Revised Water Demand Analysis, as described below.

- EVIDENCE:**
- a) On June 16, 1995, September Ranch Partners filed an application for a Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the division of 902 acres creating 100 market rate units, 17 inclusionary housing units, a lot for the existing equestrian facility, and open space. The application was deemed completed on July 13, 1995. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
 - b) On December 1, 1998, the Board of Supervisors approved the Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the division of an 891-acre parcel creating 94 market rate units, 15 inclusionary housing units, a 20.2 acre lot for the existing equestrian facility (with one employee unit), and 791 acres of open space. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
 - c) The approval was challenged in court by *Save Our Peninsula Committee et al.* and *Sierra Club et al.* The Superior Court of Monterey County (Nos. M42412 and M42485) held that the EIR was legally inadequate under the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.* In Resolution No. 01-374, the Board of Supervisors vacated its December 1998 certification and approval. The application filed in 1995 remains on file; the proposed project is substantially consistent with the application deemed complete in 1995.
 - d) On December 12, 2006, the County Board of Supervisors adopted Resolution No. 06-363 certifying a Revised Environmental Impact Report on the September Ranch Subdivision ("Revised EIR"),

adopting a passing score, approving a Combined Development Permit for the September Ranch subdivision project, and adopting the associated Mitigation Monitoring and Reporting Plan. The project approved under the Combined Development Permit consisted of the 73/22 Alternative as identified in the Revised EIR as modified by the Board following public hearing. The Combined Development Permit included approval of a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots, 15 inclusionary housing lots and 7 workforce housing lots. (Board of Supervisors' Resolution No. 06-363). A copy of Board of Supervisors' Resolution No. 06-363 is attached to this resolution as Exhibit 3.

- e) The approval was challenged in court by *Sierra Club et al.* and *Helping Our Peninsula's Environment*. In September 2008, the Superior Court of Monterey County (Nos. M82632 and M82643) entered judgment finding that the EIR was legally sufficient under the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.* except as to issues of water demand, water cap, and cumulative impacts as to water demand. A Peremptory Writ of Mandate, signed by the judge on December 23, 2008 and signed by the Court's Clerk on January 23, 2009, was issued requiring the County to vacate the certification of the Revised EIR, void the approvals of the Project, and take no further action on the Project "without the preparation, circulation, and consideration under CEQA of a legally adequate document adopted in compliance with CEQA which properly analyzes water demand, water cap, and cumulative impacts as to water demand." (Peremptory Writ of Mandate (Nos. M82632 and M82643).) A copy of the Peremptory Writ of Mandate is attached hereto as Exhibit 4 and incorporated herein by reference.
- f) In compliance with the Judgments Granting Peremptory Writs of Mandate, issued by the court on September 16, 2008 and September 30, 2008 (Monterey County Superior Court Case Nos. M82632 and M82643), the Board of Supervisors rescinded Resolution No. 06-363, vacated the certification of the Final Revised EIR, and voided the approval of permits and entitlements for the September Ranch Project (Board of Supervisors' Resolution No. 09-356.).
- g) The County has prepared the Revised Water Demand Analysis, fulfilling the Court's direction for analysis of water demand, water cap, and cumulative impacts as to water demand. The Revised Water Demand Analysis replaces and updates the following:
- Replaces the Revised EIR's water demand analysis, which consists of the two full paragraphs and table (Table 4.3-5) immediately following the heading "Less than Significant Impact – Substantially Degrade Groundwater or Interfere with Groundwater Recharge" within the Water Supply and Availability Chapter on pages 4.3-41 to 4.3-42 of the Recirculated Portion of the Draft Revised EIR;
 - Replaces Master Response 17 in the July 2006 Final EIR on pages 3-15 to 3-19.
 - Updates Table 5-1 and some accompanying text within the Cumulative Impacts Analysis Section (Section 5.1.1) on pages 5-2

and 5-3 of the Recirculated Portion of the Draft Revised EIR. The document entitled "Revised Water Demand Analysis: 2009 Recirculated Portion of the Final Revised Environmental Impact Report" was circulated for public comment from August 12, 2009 through September 28, 2009. The Final Revised Water Demand Analysis, which contains responses to comments Revised Water Demand Analysis on the 2009 Recirculated Portion of the Final Revised Environmental Impact Report, was released to the public on August 27, 2010. The Revised Water Demand Analysis, together with the Final Revised EIR which contains a legally sufficient discussion on all other issues, provides the environmental review of the Project.

- h) The Project analyzed in the Revised Water Demand Analysis and that is the subject of this Planning Commission recommendation is the 73/22 Alternative because the applicant is no longer pursuing the larger project that it had originally proposed.

2. **FINDING:**

CONSISTENCY. The Project, as conditioned, is consistent with applicable provisions of the Monterey County General Plan, Carmel Valley Master Plan, Monterey County Zoning Ordinance (Title 21 of the Monterey County Code), Monterey County Subdivision Ordinance (Title 19 of the Monterey County Code), Monterey County Code 18.46.040, Monterey County Inclusionary Housing Ordinance, Air Quality Management Plan and Transportation Plans & Policies.

- a) The project site is located on Carmel Valley Road (Assessor's Parcel Numbers 015-171-010-000, 015-171-012-000, 015-361-013-000, and 015-361-014-000), Carmel Valley in the County of Monterey.
- b) The evidence from Finding 1 (Consistency) in Resolution 06-363 is incorporated herein by reference except as amplified and/or revised herein.
- c) The County of Monterey is in the process of updating its 1982 General Plan. However, pursuant to Government Code Section 66474.2, the County is applying those ordinances, policies, and standards as of the date the application for the vesting tentative map was deemed complete (July 13, 1995). Therefore the 1982 General Plan and the ordinances in effect as of the completeness date apply.
- d) Nothing in the Final Revised Water Demand Analysis changes the consistency analysis and conclusions contained in Finding 1 of Resolution No. 06-363 or the EIR sections referenced above.
- e) Administrative record including material in Planning Department files PC95062 and PLN050001.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted site visits on March 16, 2005 and July 25, 2006 to verify that the project on the subject parcel conforms to the plans submitted under PLN050001.
 - c) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

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

- EVIDENCE:**
- a) The proposed development has been reviewed by the Monterey County RMA – Planning Department, Water Resources Agency, Public Works Department, Environmental Health Bureau, Parks and Recreation Department, Housing and Redevelopment Agency, Sheriff's Office and the Carmel Valley Fire Protection District as part of the project design and environmental review process. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.
 - b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
 - c) In order to construct internal access roads, the project proposes grading over slopes in excess of 30 percent. Therefore, the project requires the granting of a Use Permit to allow development on slopes of 30 percent or more (Monterey County Code Section 21.64.230). See Finding 6.
 - d) Up to approximately 34.90 acres of Monterey pine/coast live oak forest habitat will be impacted for construction of roads, utilities, and building pads. Therefore, the project requires a Use Permit for tree removal (Monterey County Code Section 21.64.260.D). See Finding 5.
 - e) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, and Final Revised EIR dated July 2006, and Final Revised Water Demand Analysis dated August 2010.

- f) Preceding and following Findings and supporting evidence.
5. **FINDING:** **TREE REMOVAL.** The tree removal is the minimum required under the circumstances of the case. The removal will not involve a risk of adverse environmental impacts, as fully described in Monterey County Code Section 21.64.260.D.5, such as soil erosion, impacts to water quality, ecological impacts, increases in noise pollution, reduce the ability of vegetation to reduce wind velocities, or significantly reduce available habitat.
- EVIDENCE:** a) The evidence from Finding 3 (Tree Removal) in Resolution 06-363 is incorporated herein by reference except as amplified and/or revised herein.
- b) In Resolution 06-363, Finding 3 (Tree Removal), 8th Evidence shall be revised to read “~~The tree removal under the Proposed Project involves six percent of the oak trees and four percent of the Monterey pine trees found on the project site.~~ The tree removal under the Proposed Project, the 73/22 Alternative, involves five percent of the oak trees and two percent of the Monterey pine trees found on the project site.”
6. **FINDING:** **30 PERCENT SLOPES.** The proposed development on over 30 percent slopes better achieves the goals, policies, and objectives of the Monterey County General Plan and Carmel Valley Master Plan than other development alternatives consistent with CVMP Policy 26.1.10.1. There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.
- EVIDENCE:** The evidence from Finding 5 (30 Percent Slopes) in Resolution 06-363 is incorporated herein by reference.
7. **FINDING:** **TENTATIVE MAP** – None of the findings found in Section 19.05.055.B of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.
- EVIDENCE:** a) The evidence from Finding 6 (Tentative Map) in Resolution 06-363 is incorporated herein by reference except as amplified by the Final Revised Water Demand Analysis dated August 2010.
8. **FINDING:** a) **INCLUSIONARY HOUSING.** In approving the vesting tentative map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources. The applicant is required to comply with provisions of Monterey County’s Inclusionary Housing Ordinance
- EVIDENCE:** The evidence from Finding 8 (Inclusionary Housing) in Resolution 06-363 is incorporated herein by reference.
9. **FINDING:** **RECREATIONAL REQUIREMENTS.** The applicant will be required to comply with the recreational requirements of Title 19, Section 19.12.010.
- EVIDENCE:** The evidence from Finding 9 (Recreational Requirements) in Resolution 06-363 is incorporated herein by reference.

10. **FINDING:** **SITE SUITABILITY.** The site is physically suitable for the proposed development.
- EVIDENCE:** The evidence from Finding 10 (Site Suitability) in Resolution 06-363 is incorporated herein by reference.
11. **FINDING:** **PRELIMINARY PROJECT REVIEW MAP.** The Planning Commission finds, based on substantial evidence, that Project complies with the requirements of Monterey County Code Section 19.07.025.G.
- EVIDENCE:** a) See Finding 7 and associated evidence.
b) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, and Final Revised EIR dated July 2006, and Final Revised Water Demand Analysis dated August 2010.
12. **FINDING:** **DRAFT REVISED WATER DEMAND ANALYSIS CIRCULATED.** A Revised Water Demand Analysis on the 2009 Recirculated Portion of the Final Revised Environmental Impact Report dated August 2009, was distributed to responsible agencies, trustee agencies, other departments and agencies, and interested parties including the State Clearinghouse (SCH#1995083033) in accordance with the California Environmental Quality Act. The public comment period for this document was from August 11, 2009 to September 28, 2009.
- EVIDENCE:** a) A Notice of Completion, dated August 10, 2009, was sent to the State Clearinghouse, along with copies of the Draft Revised Water Demand Analysis, which were circulated to State agencies.
b) A Notice of Availability was published, mailed to interested parties and property owners within 300 feet of the project boundaries, and was provided to the Carmel Valley Library and the City of Carmel-by-the-Sea Library.
c) Administrative record including material in Planning Department files PC95062 and PLN050001.
d) This finding supplements Finding 16 (Draft Revised EIR Circulated) in Board of Supervisors Resolution No. 06-363.
13. **FINDING:** **DRAFT REVISED WATER DEMAND ANALYSIS COMMENTS.** Comments on the Draft Revised Water Demand Analysis were received from agencies and interested parties.
- EVIDENCE:** Administrative record including material in Planning Department files PC95062 and PLN050001.
14. **FINDING:** **FINAL REVISED EIR RELEASED.** On August 27, 2010, the Final Revised EIR including the Final Revised Water Demand Analysis was released to the public, which responded to significant environmental issues raised in the comments.
- EVIDENCE:** Administrative record including material in Planning Department files PC95062 and PLN050001.
15. **FINDING:** **RECIRCULATION NOT REQUIRED** The Planning Commission has assessed all changes and new information identified from public

comments and staff investigation since circulation of the Revised Water Demand Analysis in August-September 2009, and based on the record as a whole finds that recirculation is not required.

- EVIDENCE:**
- a) Recirculation is generally not required when the only additional information clarifies or amplifies or makes insignificant modifications to the EIR, while recirculation would be required if there were significant new information showing a new significant environmental impact, a substantial increase in the severity of a previously identified environmental impact, a mitigation measure considerably different from others previously analyzed that would clearly less the project's environmental impacts, or the draft was so fundamentally inadequate and cursory that it precluded meaningful public comment.
 - b) Minor changes and edits have been made to the text, tables and figures of the Revised Water Demand Analysis, as set forth in the Errata (pages 67-71). Most of the changes involved tightening the conditions of approval to provide further assurance that water use at September Ranch will remain within the forecasted estimates. These changes are principally requiring more details in the required water use reporting, further requirements for irrigation equipment and water-saving interior fixtures, prohibiting subdivision phase approval absent compliance with MPWMD's Pro Rata Expansion Capacity policy, ensuring County and MPWMD entry onto individual lots for monitoring and enforcement, prohibiting changes in installed landscaping or irrigation system absent evidence that the changes will not increase water use, and limiting the total area that may be used on each lot for irrigated landscaping and exterior water features. These changes strengthen the conclusion that water demand at September Ranch will not exceed 57.21 AFY, and thereby clarify or amplify the adequate analysis in the Revised Water Demand Analysis.
 - c) Additional data on water use in neighboring subdivisions has also been added to reflect acquisition of water use reports released since preparation of the Revised Water Demand Analysis, as well as correcting numerical errors and making minor adjustments to the data. The Planning Commission finds that these changes are of a minor, non-substantive nature and do not require recirculation of the Revised EIR.
 - d) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, Final Revised EIR dated July 2006, and Final Revised Water Demand Analysis dated August 2010.
 - e) Administrative record including material in Planning Department files PC95062 and PLN050001.

16. **FINDING:** **BOARD OF SUPERVISORS RESOLUTION 06-363.** The Findings and the associated Evidence in Board of Supervisors Resolution No. 06-363 in relation to the environmental review conducted under the California Environmental Quality Act (CEQA) and the findings under CEQA, specifically Findings 12 through 32 and associated evidence of Resolution No. 06-363, are incorporated herein by reference, except as amplified and revised by the findings in this resolution relating to water demand and water cap.

EVIDENCE: The Judgments entered in Case No. M82632 and Case No. M82643 declare that the revised EIR certified by the Board of Supervisors in 2006 contains a legally sufficient discussion on all issues other than water demand, water cap, and cumulative impacts as to water demand. Accordingly, the findings and evidence contained in Resolution No. 06-363 with respect to environmental impacts of the Project are incorporated herein by reference, except for the findings which are set forth below with respect to water demand, water cap, and cumulative impacts as to water demand.

17. **FINDING:** **ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT - WATER DEMAND AND WATER CAP.** The County has systematically reanalyzed the water demand for the Project in light of the Superior Court writ issued in *Sierra Club, Save Our Carmel River, Patricia Bernardi v. County of Monterey Board of Supervisors* and *Helping Our Peninsula's Environment v. County of Monterey* (Monterey County Superior Court Case Nos. M82632 and M82643). To conduct the analysis, the County computed the estimated indoor and outdoor water use for three hypothetical homes/lots within September Ranch, taking into account (a) conditions of approval formulated specifically to reduce each lot's water consumption, (b) County and District ordinances concerning water use, and (c) the new Model Water Efficient Landscape Ordinance prepared by the State Department of Water Resources, Cal. Code Regs., tit. 23, § 490 et seq. The County compared the resulting demand figures against consumption within neighboring large-lot subdivisions in the Carmel Valley, and evaluated the County and District enforcement capabilities for ensuring the subdivision will remain within a fixed annual quantity of no more than 57.21 acre-feet per year (AFY). The Revised Water Demand Analysis and other documents in the record demonstrate to the Planning Commission's satisfaction that, subject to the recommended conditions of approval, the September Ranch Project will consume no more than 57.21 AFY. This finding supplements Finding 25b (Water Supply and Availability (REIR Chapter 4.3)), Finding 25b (ii) (Water Demand), and Finding 25b (iii) (Treatment Water) in Board of Supervisors Resolution No. 06-363.

EVIDENCE: a) In Resolution 06-363, Finding 25b (iv) (c) (Impact Conclusions – The project will not use water in a wasteful manner.) shall be revised to read "...Relevant Conditions of Approval include but are not limited to Conditions 33, 40, 41, 45, 46, 107, 108, 110-112, 120, 122-124, 146, and 148, and 188-190."

b) In Resolution 06-363, Finding 25b (v) (Project Elements/Mitigations/ Conditions – Mitigation Measure 4.3-1) shall be revised to add the following text at the end of the paragraph: "In addition to meeting all reporting requirements of MPWMD, the reports will separately detail the number of active connections of employee, inclusionary and market-rate houses, the monthly water use (interior, exterior and combined) for each connection, the permitted water amount for the lot, identification of whether the home at each connection is under construction or has completed construction and is accepting routine

water service. Upon request of RMA – Planning Department or MPWMD, the applicant, per the water system operator, shall make available the name and address information for any connection exceeding its permitted water limit; such disclosures will be made pursuant to a public nondisclosure agreement consistent with State constitutional privacy guarantees.”

- c) In Resolution 06-363, Finding 25b (v) (Project Elements/Mitigations/ Conditions – Mitigation Measure 4.3-2) shall be revised in the second paragraph to read: “Related Conditions of Approval include but are not limited to Conditions 33, 45, 46, 108, 111, 112, 120, 122-124, 146, and 147, and 188-190.”
- d) Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, Final Revised EIR dated July 2006, and Final Revised Water Demand Analysis dated August 2010.
- e) Administrative record including material in Planning Department files PC95062 and PLN050001.

17a. **FINDING:**

Interior Water Use. The interior water use estimates were made pursuant to the Monterey Peninsula Water Management District (MPWMD) fixture count, using water-saving fixtures as required by recommended conditions of approval for the Project. The number of fixtures for the market-rate lots was estimated high (5 to 6 bathrooms) even though all homes would be single-family dwellings. To ensure that the homeowner will not cause an exceedance of the subdivision’s water cap, no additional fixtures may be installed unless the property owner first obtains a water permit amendment approved by MPWMD.

17b. **FINDING:**

Exterior Water Use. Exterior water use was estimated using the Maximum Applied Water Allowance as described in the Model Ordinance, which relies primarily on regional evapotranspiration rates and the square footage of landscaping and water features. This method is reliable for September Ranch lots because the square footage of landscaping and exterior water features for all types of lots is limited by a recommended condition of approval. Further, the estimates are conservative because the Model Ordinance assumes medium water-use plants, while the Project is required to use drought-tolerant / low water-use plants. The exterior water demand will be accurate even taking into account individual watering habits. Under the Model Ordinance, water efficient irrigation systems will be designed for each lot, with certification that they were designed as installed. For market-rate lots, the irrigation system must have controllers equipped with soil moisture sensors to avoid overwatering. In addition, no changes in type or location of landscaping or changes to the irrigation system can be made absent evidence demonstrating that the modifications will not result in either an increase in annual water use or a reduction in water use efficiency, and the landowner first obtains written concurrence from the RMA – Planning Department and MPWMD.

17c. **FINDING:**

Equestrian Center Water Use. Water use for the equestrian center was based on demonstrated historical usage (3 AFY) and may not be increased pursuant to condition.

17d. **FINDING:**

Water Treatment Loss. The water treatment loss is estimated at a maximum of 10% of total water deliveries based on a condition

requiring the lowest losses feasible, from 0 to 10%. Applicants submitted Kennedy/Jenks Consultants, Technical Memorandum No. 8, which discusses several treatment options capable of achieving the required loss percentage.

- 17e. **FINDING:** **Water Conveyance Loss.** The estimated conveyance loss percentage (7%) is higher than the standard loss estimated by MPWMD (5%), and is comparable to losses in neighboring subdivisions.
- 17f. **FINDING:** **Computation of Water Treatment and Conveyance Loss.** The treatment and conveyance losses were computed as a function of total subdivision water deliveries according to MPWMD's standard formula.
- 17g. **FINDING:** **MPWMD Rule 11.** Pursuant to MPWMD regulations (Rule 11), if the lots' proportional share of the overall Project water limit is exceeded when more than half of the total allowed connections have been installed, MPWMD will not process new individual water permits until the system is brought back into compliance and credible expert analysis demonstrates that the system can and will remain in compliance into the future. Before the County will approve the final map for each phase, the applicant must demonstrate the subdivision water use is within MPWMD Rule 11. See Condition 45.
- 17h. **FINDING:** **Demand Data by Subdivision.** The market-rate homes in other large-lot subdivisions in the Carmel Valley have used, on average, somewhat more water than the average use estimated for market-rate homes in September Ranch (0.535 AFY)—i.e., Monterra Ranch (0.58 to 0.78 AFY including caretaker units), Tehama (0.48 to 0.76 AFY including caretaker units), Santa Lucia Preserve (0.43 to 0.66 AFY). Unlike September Ranch, however, these subdivisions have no maximum limits on area for irrigated landscaping and exterior water features other than the building envelope, which averages 1.3 acres or more. At September Ranch, the outside area for water use will be limited to less than 1/10 of an acre (4,275 square feet). This difference is substantial given that outside water use is often two to three times as much as interior use. Additional subdivision-specific conditions will further limit September Ranch water use relative to other subdivisions—e.g., Model Ordinance compliance, specific low-water fixture limits, limitations on the landscaped acreage.
- 17i. **FINDING:** **Enforcement.** The County will have sufficient means of enforcement to ensure water use at September Ranch remains at or below 57.21 AFY, including installing flow restrictors at homeowner cost if unauthorized fixture or landscaping changes are made; administrative citations; hearings; fines; and legal actions. These are in addition to the means available to MPWMD, which has committed to collaborating with the County on enforcement at September Ranch.
- 17j. **FINDING:** **Cumulative Impacts.** The court ordered the Board of Supervisors to not take "further action approving the project without the preparation, circulation, and consideration under CEQA of a legally adequate document adopted in compliance with CEQA which properly analyzes . . . cumulative impacts as to water demand." The Revised Water Demand Analysis affirms the cumulative impacts analysis in the Revised EIR based on (1) a determination that water use will be at or

below 57.21 AFY, which was the measure of Project water demand in the Revised EIR, and (2) there is no increase in water consumed by recently built and proposed future projects.

EVIDENCE: The following evidence supports Findings 17a through 17j inclusive:

- Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, Final Revised EIR dated July 2006, and Final Revised Water Demand Analysis dated August 2010.
- Administrative record including material in Planning Department files PC95062 and PLN050001.

18. **FINDING:** **CERTIFICATION OF THE REVISED EIR.** The Planning Commission has reviewed and considered the Final EIR including the Final Revised Water Demand Analysis prior to making its recommendations on the Project and finds that substantial evidence supports certification of the Final EIR by the Board of Supervisors

EVIDENCE: a) The Final Revised Water Demand Analysis dated August 2010 analyzes the issues of water demand, water cap, and cumulative impacts as to water demand. The Final Revised Water Demand Analysis, together with the Final Revised EIR dated July 2006 which has been held by the Monterey County Superior Court to contain a legally adequate discussion on all other issues, comprises the Final EIR for the Project.

- b) The Final EIR, including the Final Revised Water Demand Analysis, has been completed in compliance with CEQA.
- c) The Final EIR, including the Final Revised Water Demand Analysis, reflects the County's independent judgment and analysis.
- d) The Final EIR evaluates the potential environmental impacts of the Project and recommends feasible mitigation measures to reduce impacts to a less than significant level, and these measures are recommended to be adopted as conditions of project approval as described in the record, these findings, and Resolution No. 06-363.
- e) In accordance with CEQA and the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (Exhibit 1) has been prepared for the Project and is recommended for approval by the Board of Supervisors.
- f) Various documents and other materials constitute the record upon which the Planning Commission bases its findings and its recommendations. The location and custodian of these documents and materials is the Monterey County Resource Management Agency – Planning Department, 168 West Alisal Street, Salinas, California.

19. **FINDING:** **PLANNING COMMISSION HEARING.** The Planning Commission conducted a duly noticed public hearing on the Project on September 8, 2010.

- EVIDENCE:**
- a) A public notice for the Project was published in the *Monterey County Herald* on August 29, 2010.
 - b) Public notices were mailed to the property owners within 300 feet of the project site and interested parties on August 25, 2010.
 - c) Public notices were posted in three different public places on and near

the property at 10:30 a.m. on August 27, 2010. The notices were posted:

- On the property entry gate;
- On the address marker for the property on Carmel Valley Road;
- On the fence next to the bus stop near Brookdale Road.

DECISION

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

- A. Recommend that the Board of Supervisors certify the Final Revised Environmental Impact Report including the Final Revised Water Demand Analysis;
- B. Recommend that the Board of Supervisors approve the Combined Development Permit subject to recommended conditions of approval (**Exhibit 1**) and in substantial conformance with the attached Vesting Tentative Map (**Exhibit 2**); and
- C. Recommend that the Board of Supervisors adopt the Mitigation Monitoring and Reporting Program for the Project (**Exhibit 1**).

PASSED AND ADOPTED this 8th day of September, 2010 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission

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

1. 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 the mailing of notice of the granting of the permit by the appropriate authority, or after granting of 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 office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

EXHIBIT C-1 Monterey County RMA – Planning Department Condition Compliance and Mitigation Monitoring and Reporting Plan	Project Name: September Ranch Combined Development Permit File Nos: PC95062 & PLN050001 APNs: 1) 015-171-010-000; 2) 015-171-012-000; 3) 015-361-013-000; 4) 015-361-014-000 By: Planning Commission Date: September 8, 2010
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		PBD029 - SPECIFIC USES ONLY The September Ranch Partners Combined Development Permit (PC95062/PLN050001) allows <u>1) a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention</u>	Adhere to conditions and uses specified in the permit. Include statement in CC&Rs. Submit CC&Rs to the Planning Department for review and approval.	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>areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker unit/public office, a tract sales office and a security gatehouse. 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 Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA - Planning Department)</p>				
2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 10-xxxx) was approved by the Board of Supervisors for Assessor's Parcel Number 015-171-010-000; 015-171-012-000; 015-361-013-000; 015-361-014-000 on xxxx. The permit was granted subject to 190 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department "Proof of recordation of this notice shall be furnished to the Director of Planning prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the Planning Department.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
3.		<p>PBDSP001 - CONSERVATION AND SCENIC EASEMENT (NON-STANDARD CONDITION) A conservation and scenic easement shall be conveyed to the County over those portions of the property outside of the building and/or development envelope.</p> <p>Parcel "B" shall be subject to a separate conservation and scenic easement deed, restricting that parcel to open space for future public facilities.</p> <p>Conservation and scenic easements on each residential lot and location of building and/or development envelopes on each lot shall be verified by a licensed Geologist, licensed Forester or qualified Arborist, a qualified Biologist, a Licensed Surveyor and appropriate County personnel. The location of the building and/or development envelopes shall be based, in part, on the studies and reports prepared for this project and/or any new information or surveys as well as the decision of the professional listed above.</p> <p>The conservation and scenic easements and building and/or development envelopes shall be delineated on a separate map for each lot and accompanied by the deed and shall be certified or signed by the licensed Geologist, licensed Forester or qualified arborist and a qualified biologist, licensed surveyor and the appropriate County personnel. Driveway access to the building envelope shall also be delineated on the plan prior to submittal to the Director of Planning for review and approval and subsequent adoption by the Board of Supervisors at the time of recordation of each final map. (RMA - Planning Department)</p>	<p>Submit appropriate plans for each residential market-rate lot which includes the conservation and scenic easement and the building envelope to the Planning Department and other County Departments, if applicable, for review and approval.</p> <p>Prepare the Conservation and Scenic Easement deed. Convey to the County upon approval by the Board of Supervisors</p> <p>The final map and CC&Rs shall include a note that individual plans have been prepared and recorded for each lot indicating the location of the building envelope and conservation and scenic easement as well as other requirements for each lot. The final map and CC&Rs shall include a note stating that the location of the driveways are approximate and that the final location may change so long as it is in substantial conformance with the final map.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to Issuance of Grading and Building Permits</p> <p>Prior to filing the Final Map</p> <p>Prior to filing the Final Map</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.		<p>PBDSP004 - EROSION CONTROL PLAN AND SCHEDULE (NON-STANDARD CONDITION)</p> <p>The improvement plan for construction of the subdivisions infrastructure and related improvements shall incorporate recommendations of the Erosion Control Plan as reviewed by the Director of Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Director of Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Director of Building Services. The recorded CC&Rs shall also indicate that this condition applies to construction of individual homes on each lot. (RMA - Planning Department)</p>	Evidence of compliance with the Erosion Control Plan shall be submitted to the RMA prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA during the course of construction until project completion as approved by the Director of Planning and Director of Building Services.	Owner/ Applicant	Prior to Final Inspection	
			The CC&Rs shall contain language that this condition applies to the construction of individual homes. Submit CC&Rs to the Director of Planning for review and approval.	Owner/ Applicant	Prior to filing of the Phase 1 final map	
5.		<p>PBD013 - GEOLOGIC CERTIFICATION</p> <p>Prior to final inspection of the subdivision improvements, a licensed Geologist shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)</p>	Submit certification by the geological consultant to RMA showing project's compliance with the geological report.	Owner/ Applicant/ Geological Consultant	Prior to Final Inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		PBDSP032 - HOURS OF CONSTRUCTION ACTIVITY Construction activity using noise generating equipment shall be restricted to the hours of 8:00 AM and 5:00 PM Monday through Friday, where such noise would impact existing development. All other construction activity shall be limited to the hours of 8:00 AM and 6:00 PM, Monday through Friday and 8:00 AM TO 1:00 PM on Saturdays. Notices stating this requirement shall be posted in at least 5 locations visible to the general public before construction of subdivision improvements begin. (RMA - Planning Department)	Include as a note on the Subdivision Improvement Plans and grading permit for subdivision improvements.	Owner/ Applicant	Prior to issuance of grading or building permits, or tree removal.	
7.		PBD012 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code, 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 <i>County of Monterey</i> , to the Director of Planning.	Owner/ Applicant	Within 5 working days of project approval.	
			Submit a check, payable to the <i>County of Monterey</i> , to the Director of Planning.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
8.		PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Building Services. A note stating this requirement shall be included on the final map prior to recordation and in the CC&Rs for individual	Include as note on an additional sheet of the final map and in the CC&Rs. Implement the condition.	Owner/ Applicant	Prior to record-ation of the final map. Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		property owner's information. (RMA - Planning Department)	The CC&Rs shall contain language that this condition applies to the construction of individual homes. Submit CC&Rs to the Director of Planning for review and approval.	Owner/ Applicant	Prior to filing of the Phase 1 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)
9.		<p>PBD016 - 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>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, which-ever 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>
10.		<p>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the Planning Department for review and approval.</p>	<p>Owner/ Applicant/ Contractor</p>	<p>At least 60 days prior to final inspection or occupancy.</p>	
			<p>A note shall be included on an additional sheet of the final map and in the CC&Rs. Submit CC&Rs to the Planning Department for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to record-ation of the final map</p>	
			<p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p> <p>A note shall be included on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
11.		<p>PBD018(B) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING)</p> <p>The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the Planning Department for review and approval.</p> <p>A note shall be included on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy. Prior to recordation of the final map.	
			<p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	Owner/ Applicant	Ongoing	
12.		<p>PBDSP031 – LIGHTING (NON-STANDARD CONDITION)</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. All street lights in the development shall be approved by the Director of Planning.</p>	<p>Submit three copies of the lighting plans for the equestrian center, sales office, gate house, inclusionary and workforce homes, and proposed street lights to the Planning Department for review and approval.</p>	Owner/ Applicant	Prior to recording Phase 1 of the final map.	
		<p>The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California</p>	<p>Prior to final inspection, lighting shall be installed and maintained in accordance with approved plan</p>	Owner/ Applicant	On-going	

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		Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Planning, prior to the issuance of building permits. (RMA - Planning Department)	The CC&Rs shall contain language that no additional street lights are allowed, unless approved by the Director of Planning. Submit CC&Rs to the Director of Planning for review and approval.	Owner/ Applicant	Prior to filing of the Phase 1 final map	
			A note shall be included on an additional sheet of the final map and in the CC&Rs. Submit CC&Rs to the Planning Department for review and approval.	Owner/ Applicant	Prior to recording Phase 1 of the final map.	
13.		PBD022 - 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)	Enter into agreement with the County to implement a Mitigation Monitoring Program. A deposit shall be submitted at the time the applicant submits the signed mitigation monitoring agreement. A note shall be included on the final map and CC&Rs stating that a mitigation monitoring agreement has been adopted for this development	Owner/ Applicant	Within 60 days after project approval or prior to issuance of grading and building permits, which ever occurs first.	

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14.		<p>PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map and shall be included on the subdivision improvement plan, subdivision grading permit and the CC&R's stating that: "The following reports have been prepared for the September Ranch project:</p> <ul style="list-style-type: none"> • Geologic, Soils and Drainage Assessment (Kleinfelder, June 30, 2003) • Geologic and Geotechnical Feasibility Investigation (Terratech, Inc., 1996) • Geologic Evaluation of Mapped Landslides (Terratech, Inc., 1996) • Technical Peer Review (Nolan Associates, June 1996) • Preliminary Geological Feasibility Study (Geoconsultants, 1995) • Geologic Evaluation of Two Landslide Areas (Geoconsultants, 1981) <p>These reports are on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>	Final recorded map with notes shall be submitted to the Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	
15.		<p>PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map and shall be included on the subdivision improvement plan, subdivision grading permit and the CC&R's stating that: "The following reports have been prepared for the September Ranch project:</p> <ul style="list-style-type: none"> • Project-Specific Hydrogeologic Report (Kennedy/Jenks Consultants, December 28, 2004) • Preliminary Drainage Report (Whitson Engineers, June 3, 1996) 	Final recorded map with notes shall be submitted to the Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	

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		<ul style="list-style-type: none"> Peer Review of Preliminary Drainage Report (Monterey Bay Engineers, June 15, 1996) Wastewater Disposal and Treatment (Kennedy/Jenks Consultants, April 23, 2004) Wastewater Feasibility Study (Questa Engineering Corp., July 1995) <p>These reports are on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>				
16.		<p>PBD024 - NOTE ON MAP-STUDIES</p> <p>A note shall be placed on the final map or a separate sheet to be recorded with the final map and shall be included on the subdivision improvement plan, subdivision grading permit and the CC&R's stating that: "The following report has been prepared for the September Ranch project:</p> <ul style="list-style-type: none"> Traffic Impact Study (TJKM Transportation Consultants, October 5, 2004) <p>This report is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>	Final recorded map with notes shall be submitted to the Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
17.		<p>PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map and shall be included on the subdivision improvement plan, subdivision grading permit and the CC&R's stating that: "The following reports have been prepared for the September Ranch project:</p> <ul style="list-style-type: none"> • Air Quality Impact Analysis (Giroux & Associates, October 2, 2003) • Noise Impact Analysis (Giroux & Associates, October 2, 2003) <p>These reports are on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>	Final recorded map with notes shall be submitted to the Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	
18.		<p>PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map and shall be included on the subdivision improvement plan, subdivision grading permit and the CC&R's stating that: "The following reports have been prepared for the September Ranch project:</p> <ul style="list-style-type: none"> • Archaeological Investigation (Archaeological Consulting and Research Associates, February 1981) <p>These reports are on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>	Final recorded map with notes shall be submitted to the Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	

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19.		<p>PBDSP007 - NOTE ON MAP-STUDIES (NON-STANDARD)</p> <p>A note shall be placed on the final map or a separate sheet to be recorded with the final map and shall be included on the subdivision improvement plan, subdivision grading permit and the CC&R's stating that: "The following reports have been prepared for the September Ranch project:</p> <ul style="list-style-type: none"> • Biological Resources Assessment (Michael Brandman Associates, January 2004) • Updated Biological Surveys for September Ranch, Monterey County, CA (Zander Associates, 2002) • Supplemental Forestry Report of August 2002 to the Forestry Management Plan for September Ranch, prepared by Hugh Smith, dated May 10, 1995 (Staub, 2002) • Final EIR Vol. 2 – Supplemental Information in Response to Additional Public Comments (Denise Duffy and Associates, 1998) • September Ranch in Carmel Valley, Monterey County, CA – Smith's Blue Butterfly Survey in 2001 (Entomological Consulting Services, 2001) • September Ranch in Carmel Valley, Monterey County, CA – Smith's Blue Butterfly Survey in 1996 (Entomological Consulting Services, 1996) • September Ranch in Carmel Valley, Monterey County, CA – Smith's Blue Butterfly Survey in 1995 (Entomological Consulting Services, 1995) • Forest Management Plan for Residential Subdivision (Smith, 1995) • Morgens Property Special Status Plants Assessment (Mori, 1995a) 	Final recorded map with notes shall be submitted to the Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	

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		<ul style="list-style-type: none"> • Morgens Property Biotic Assessment, Carmel Valley, CA (Mori, 1995b) • Biological Resource Assessment, Morgens property, Carmel Valley, CA (Zander Associates, 1995) • Morgens Ranch Biological Survey (WESCO, 1981) • Supplemental Forester's Report (Staub Forestry & Environmental Consulting, January 5, 2006) <p>These reports are on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed so long as they are consistent with the Final REIR, the conditions of approval and the mitigations measures approved by the County." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>	See Above			
20.		<p>PBDSP005 -- SUBDIVISION BUILDING ENVELOPE APPROVAL (NON-STANDARD CONDITION)</p> <p>Prior to filing the final map, the applicant shall prepare a plan to be approved by the Director of Planning and any other applicable department heads or division chiefs. The plan shall: 1) show the building envelope, including the general location of each driveway, in 3-dimensions; 2) define the boundaries of the conservation and scenic easement (everything outside of the building and development envelope); 3) identify the lot number from the final map, lot size & building envelope size; 4) identify any slopes 30 % or greater (the building envelope should exclude all 30 percent slopes but there may be small areas with slope in the development envelope); 5) identify all the trees with biological significance, as identified in the EIR or biological reports, or that provide visual screening; 6) establish maximum building dimensions, height, and location to avoid ridgeline development; 7) identify natural vegetation that should be retained, including trees on Lots 69, 71 and 72 within the vicinity of Jack's Peak County Park; 8) identify</p>	<p>The Applicant shall prepare a plan that characterizes the building envelope for each of the lots with respect to environmental parameters, slopes and conservation and scenic easements. The driveway access shall be incorporated into the building envelope.</p> <p>The tree and vegetation removal disturbance goal shall be achieved through monitoring related to Conditions 3 and 21 and Mitigations Measures 4.9-1, and 4.9-4 through 4.9-11.</p> <p>Plan shall be reviewed and approved by the Director of</p>	Owner/ Applicant	Prior to filing the final map	

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		<p>landscape screening as appropriate, including minimizing views of the building site from Jacks Peak Park. For Lots 69, 71 and 72, building envelopes shall be reduced in size, if necessary, to ensure that structures will not be visible from the East Picnic Area and the Earl Moser Trail within Jack's Peak County Park. Any parcel where ridgeline development cannot be avoided shall be eliminated from the Final Map. With respect to trees and vegetation removal of Coast live oak and Monterey pine tree species pursuant to MM 4.9-3 and removal of coastal scrub and other sensitive plant species pursuant to MM 4.9-7, the target disturbance goal is to limit disturbance shall be limited to an average of 0.33 acres per lot. Notes should be included on each site plan indicating that discretionary permit approval and design approval is required for development of each lot prior to issuance of a building permit. A note shall be placed on an additional sheet of the final map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions. (RMA - Planning Department)</p>	<p>Planning.</p> <p>The terms of this condition shall be included as a note on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>			
21.		<p>PBD032(B) – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy drip lines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included as a note on all Subdivision Improvement Plans.</p> <p>Include condition language on all building and grading permit plans.</p> <p>Submit evidence of tree protection to the Planning Department for review and approval.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to approval of Subdivision Improvement Plans.</p> <p>Prior to Issuance of Grading and/or Building Permits/On-going during construction</p>	

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22.		<p>PBD033 – UTILITIES – SUBDIVISION</p> <p>A note shall be placed on the final map or a separate sheet to be recorded with the final map and included on the subdivision improvement plans indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the final map for that phase. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (Public Works and RMA - Planning Department)</p>	<p>Place note on the final map, or use a separate sheet, on the Subdivision Improvement Plans and in the CC&Rs and submit to Public Works for review and approval.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	Applicant/ Owner	Prior to recordation of final map for each phase.	
23.		<p>PBDSP028 - WATER TANK APPROVAL (NON-STANDARD CONDITION)</p> <p>Prior to the issuance of building permits, the water tank location and design shall be subject to the approval of the Director of Planning. The water tank shall be painted a color to blend into the area and screen from view. Tanks shall be located such that they cannot be visible as ridgeline development and the visibility shall be minimized by location and landscaping (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of Planning. Using existing vegetation and topography, any tanks shall not be visible from the East Picnic Area and the Earl Moser Trail within Jack's Peak County Park. The tanks may be buried or partially buried to achieve this standard. (RMA - Planning Department)</p>	<p>Submit proposed location and design to the Planning Department for review and approval. The locations and height of the water tanks shall be staked and flagged.</p>	Applicant/ Owner	Prior to recordation of final map or approval of subdivision improvement plans for that phase, whichever occurs first.	
			<p>Submit proposed color of water tank and landscaping to the Planning Department for review and approval.</p>	Applicant/ Owner	Prior to the issuance of grading and building permits	
			<p>Provide evidence to the Planning Department that the water tank is painted as approved and that landscaping was installed as approved by the Planning Department.</p>	Applicant/ Owner	Prior to final inspection or occupancy.	

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24.		PBDSP033 – GRADING/EASEMENT STAKING The easement(s) and proposed grading shall be staked with 18” stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with recorded easement lines and proposed grading as indicated in the official record at the Monterey County RMA. The staking shall be verified at the grading pre-site inspection by the grading inspector. (RMA - Planning Department and Building Services Department)	The easement(s) and proposed grading shall be staked with 18” stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with recorded easement lines and proposed grading as indicated in the official record at the Monterey County RMA.	Owner/ Applicant	At presite inspection by the grading inspector	
25.		PBD042 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA - Planning Department)	The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs. Submit CC&Rs to the Planning Department for review and approval.	Engineer/ Owner/ Applicant	Prior to recordation of the final map.	
26.		PBDSP006 – SECOND UNITS (NON-STANDARD CONDITION) Second residential units, caretaker’s units and senior citizen units are prohibited in this subdivision. Guest houses are allowed provided they meet the development standards set forth in Monterey County Code Section 21.64.020. (RMA - Planning Department)	The terms of this condition shall be included in a deed restriction, on an additional sheet of the final map and included in the CC&Rs. Submit Deed Restriction and CC&Rs to the Planning Department for review and approval. Record the deed restriction.	Owner/ Applicant	Prior to recordation of the final map. Record with each phase of the final maps.	

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27.		PBDSP009 – GRADING PERMIT (NON-STANDARD CONDITION) A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. (RMA - Planning Department)	Applicant shall obtain an grading permit prior to commencement of grading	Owner/ Applicant	Prior to commence- ment of grading.	
28.		PBDSP011 – DESIGN APPROVAL (NON-STANDARD CONDITION) Design Approval, with the final approval by the PC, shall be required for the water tanks, the inclusionary and workforce housing units, the temporary tract sales office, any fencing, the gate and the gate house. All of these structures, with the exception of water tanks, shall follow a rural design & maintain compatible design consistency with the surroundings in keeping with the old farmhouse & equestrian center. (RMA - Planning Department)	Include as a note on an additional sheet of the final map.	Owner/ Applicant	Concurrent with filing of the final map	
29.		PBDSP013 – EROSION CONTROL INSPECTIONS (NON-STANDARD CONDITION) Applicant shall schedule periodic and daily inspections during grading construction to assure condition and adequacy of erosion and sedimentation control features. The applicant shall undertake and complete timely repairs of damaged erosion and sedimentation control features to the satisfaction of the Director of Building Services. (RMA - Planning Department)	Schedule grading inspections.	Owner/ Applicant	Ongoing	
30.		PBDSP014 – OPEN SPACE (NON-STANDARD CONDITION) Prior to the filing of the final map, the applicant shall request, in writing, that Parcels A, B, and C be rezoned to Open Space (“O”). (RMA - Planning Department)	Applicant shall submit an application to the County of Monterey to rezone the property and receive approval from the Board of Supervisors for the rezoning.	Engineer/ Owner/ Applicant	Prior to filing of Final Map(s)	

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31.		<p>PBDSP015 – DEVELOPMENT IN CONSERVATION AND SCENIC EASEMENTS (NON-STANDARD CONDITION)</p> <p>Development within conservation and scenic easements shall be limited to biological resource conservation, environmental mitigation, driveways and compatible common open space uses as determined by the Director of Planning prior to the issuance of building permits. (RMA - Planning Department)</p>	<p>Submit appropriate conservation and scenic easement deed to the Planning Department for review and approval by the Director of Planning.</p> <p>Record easement</p>	Owner/ Applicant	<p>Prior to recordation of the final map.</p> <p>Concurrent with final map</p>	
32.		<p>PBDSP016 – NON-NATIVE INVASIVES (NON-STANDARD CONDITION)</p> <p>Prior to filing the final map applicant shall submit CC&Rs for review and approval of the Director of Planning which prohibit introduction of nonnative invasive plant species within any portion of proposed lots (such as acacia, French or Scotch broom, pampas grass), and prohibit introduction of any nonnative species outside the development/building envelope. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	Owner/ Applicant	Prior to recordation of final map.	
33.		<p>PBDSP017 – WATER INTENSIVE USES (NON-STANDARD CONDITION)</p> <p>Prior to filing the final map, applicant shall submit CC&Rs for review and approval of the Director of Planning which prohibit water intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, washing of hard surfaces such as streets, gutters, sidewalks and driveways within any portion of proposed lots, open space parcels or on the Equestrian Center Parcel. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p> <p>Deed restriction shall be recorded on each parcel.</p>	Owner/ Applicant	Prior to recordation of final map.	

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34.		PBDSP018 – MAPPED LANDSLIDES (NON-STANDARD CONDITION) Record a deed restriction stating the following: “The proposed residential sites on Lot 26 and 55-60, inclusive, are located on or near mapped landslides. Development on these lots shall conform to the mitigation measures in the <i>December 2004 September Ranch Revised EIR</i> or subsequent geological or geotechnical investigations.” (RMA - Planning Department)	Record a deed restriction on lots 26 and 55-60 inclusive.	Owner/ Applicant	Concurrent with filing of the final map.	
35.		PBDSP019 – ANTENNAS (NON-STANDARD CONDITION) The location, type and size of all antennas, towers, and similar appurtenances shall be approved by the Director of Planning. (RMA - Planning Department)	The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs. Submit CC&Rs to the Planning Department for review and approval.	Owner/ Applicant	Prior to recordation of final map. Ongoing	
36.		PBDSP020 – PHASING (NON-STANDARD CONDITION) Phasing of the project shall be in conformance with the policies in the Carmel Valley Master Plan. Construction of the first half of the inclusionary and workforce units shall be completed prior to the issuance of the 12 th building permit being issued for market rate units. Construction of the second half of the inclusionary and workforce units shall be completed prior to the issuance of the 41 st building permit being issued for market rate units. (RMA - Planning Department)	The Applicant shall submit the final maps in accordance with the policies in the Carmel Valley Master Plan and phased according to the condition. Verify that the inclusionary and workforce units are constructed prior to the issuance of the 12 th and 41 st building permits for market-rate homes.	Owner/ Applicant	Prior to recordation of final map. Prior to the issuance of building permits for market rate homes	

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37.		<p>PBDSP021 – “B-6” COMBINING DISTRICT (NON-STANDARD CONDITION)</p> <p>Prior to the filing of the final map, the applicant shall request in writing that the northerly 494 acres currently zoned "RDR/10-D-S-RAZ" be rezoned to "RDR/B-6-D-S-RAZ" and that the southerly 393 acres zoned LDR/2.5-D-S-RAZ be rezoned to LDR/B-6-D-S-RAZ. (RMA - Planning Department)</p>	<p>Applicant shall submit an application to the County of Monterey to rezone the property and receive approval from the Board of Supervisors for the rezoning.</p>	Engineer/ Owner/ Applicant	Concurrent with each final map approval	
38.		<p>PBDSP022 – FENCING PARCELS (NON-STANDARD CONDITION)</p> <p>Prior to filing the final map, applicant shall submit CC&Rs for review and approval of the Director of Planning which limit use of fencing to designated development envelopes, and prohibit fencing of parcel boundaries in order to maintain areas for wildlife movement. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	Owner/ Applicant	Prior to recordation of the final map.	
39.		<p>PBDSP023 – TREE REMOVAL (NON-STANDARD CONDITION)</p> <p>A note shall be placed on the final map and in the CC&Rs stating, "The property owners shall obtain tree removal permits and shall implement tree replacement for removal of any oaks, redwood or madrone that may occur as part of future lot construction." This is pursuant to County regulations, and requires replacement of removed oaks and Monterey pine trees with on-site genetic stock. Project CC&Rs shall include measures for protection of protected oak trees on individual lots as part of future home construction, as well as guidelines for appropriate landscaping management to protect the trees. Subject to the approval of the Director of Planning, future homes should be sited outside of the drip line of any oak. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	Owner/ Applicant	Prior to recordation of the final map.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
40.		<p>PBDSP025 – CONNECTION TO CAL-AM PROHIBITED NON-STANDARD CONDITION)</p> <p>The applicant shall be prohibited from hooking up to the California-American Water Company System. (RMA - Planning Department)</p>	Applicant shall form a public water system to deliver potable water to the subdivision.	Owner/ Applicant	On-going	
41.		<p>PBD006 - DEED RESTRICTION - USE</p> <p>The applicant shall record the following deed restriction stating the use and regulations applicable to the Equestrian Center: “The Equestrian Center shall be owned by the September Ranch Homeowner’s Association. The recreational uses on the 20.2-acre Equestrian Center Parcel (Assessor’s Parcel Number 015-171-010-000) shall be subject to the following:</p> <ul style="list-style-type: none"> • The property will provide recreational uses in perpetuity • Water use of no more than 3 acre-feet per calendar year for the Equestrian Center facility • Irrigation of pasture is prohibited • Boarding of a maximum of 50 horses • No more than 12 equestrian events per calendar year • Hours of operation shall be from 6:00 AM to 8:00 PM, 7 days per week October 1st to March 31st and 6:00 AM to 9:00 PM, 7 days per week from April 1st to September 30th • Existing home shall be used as a caretaker unit or other use for public benefit, including, but not limited to, a Sheriff’s Office Community Field Office, homeowner’s association office or historical center <p>The deed restrictions shall be adopted by the Board of Supervisors at the time of recordation of Phase 1 of the final map. (RMA - Planning Department)</p>	<ol style="list-style-type: none"> 1. Submit Deed Restriction to the Planning Department for review and approval. 2. Record the deed restriction. 3. The CC&Rs shall include a note stating that a deed restriction describing what can be done in the Equestrian Center Parcel has been recorded. The CC&R’s shall also include a summary of allowable uses on the parcel. 4. Submit CC&Rs to the Planning Department for review and approval. 	Owner/ Applicant	Prior to recordation of Phase 1 of the final map. Deed Restrictions and CC&Rs to be recorded with final map.	

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42.		PBDSP027 – VEHICLE TRIP REDUCTION ORDINANCE (NON-STANDARD CONDITION) Provide ridesharing, public transportation, and nearby licensed childcare facility information to tenants/buyers as part of move-in materials. (RMA - Planning Department)	The terms of this condition shall be included in the CC&Rs. Submit CC&Rs to the Planning Department for review and approval.	Owner/ Applicant	Prior to recording of the final map.	
43.		PBDSP030 – HISTORIC STRUCTURES (NON- STANDARD CONDITION) If the structures on the Equestrian Center are deemed to be historic resources, the parcel shall have a Historic Resources ("HR") combining district applied to the parcel. (RMA - Planning Department)	Applicant shall submit an application to the County of Monterey to rezone the property and receive approval from the Board of Supervisors for the rezoning.	Engineer/ Owner/ Applicant	Prior to filing of first Final Map	
44.		PBDSP008 – SPECIAL SETBACKS (NON-STANDARD CONDITION) The Final Map shall indicate the following minimum setbacks for the inclusionary and workforce lots: Front: 20 feet Side: zero feet Rear: 10 feet The setbacks shall either be indicated as a note on the final map or applied to each individual lot on the final map. (RMA - Planning Department)	Applicant's engineer shall include note on Final Map or shall apply the setbacks to each lot on the Final Map.	Engineer/ Owner/ Applicant	Prior to filing of Final Map(s)	

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45.		<p>PBDSP003 – WATER USE PLAN (NON-STANDARD CONDITION)</p> <p>The total water use within the subdivision shall not exceed 57.21 acre-feet per year (AFY). This is based upon the following:</p> <ul style="list-style-type: none"> • 54.21 AFY for market-rate lots, inclusionary and workforce units, and the water treatment facility. • 3 AFY for the Equestrian Center Facility. • The applicant, or a public water system established by applicant, shall select a water treatment method that consumes the lowest amount of water feasible within the range of 0 to 10%. • The applicant, or a public water system established by applicant, shall conduct at least two audits each year for leaks and other water losses and shall repair all leaks and other water losses as soon as reasonably practical under the circumstances. • Prior to filing the final map for each phase, the applicant shall submit a Water Use Plan showing the proposed total fixture-unit count <u>water demand estimate</u> for each lot within that phase. The total fixture-unit count <u>Water demand estimates</u> shall be based upon the Monterey Peninsula Water Management District (MPWMD) Residential and/or Commercial Water Release Form <u>current water demand estimation methodology as codified in MPWMD Rules and Regulations</u>. Before the final map for each phase will be approved, applicant must demonstrate the subdivision water use is within Pro Rata Expansion Capacity per MPWMD Rule 11. The plan shall be submitted to the Water Resources Agency and the Director of Planning for review and approval. • A deed restriction will be recorded ensuring the County and MPWMD access into the subdivision or onto any lot 	<p>The terms of this condition shall be included in the CC&Rs. Submit CC&Rs to the Water Resources Agency and the Planning Department for review and approval.</p> <p>Prior to each phase, the applicant shall submit a plan, showing the proposed total fixture-unit count <u>water demand estimate</u> for each lot, to the Director of Planning for review and approval. Fixture-unit counts <u>Water demand estimates</u> shall be based upon the Monterey Peninsula Water Management District (MPWMD) residential fixture unit count values and landscape water budget calculations <u>current water demand estimation methodology as codified in the MPWMD Rules and Regulations</u>. Applicant and subsequent owners of the respective lots shall be required to comply with the approved plan or any County-approved amendments to it.</p> <p><u>The final map for a phase will be denied unless the applicant demonstrates that subdivision water use is within the</u></p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Prior to filing the final map for each phase of the subdivision</p> <p>Prior to filing the final map for each phase of the subdivision</p> <p>Prior to filing the final map for each phase of the subdivision</p>	

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		<p><u>for purposes of monitoring water use and compliance, and in case of a water permit exceedance, access into any home for inspection of fixtures.</u></p> <p>(Water Resources Agency and RMA - Planning Department)</p>	<p><u>requirements of MPWMD Rule 11 (or any equivalent rule in effect at the time).</u></p> <p><u>A deed restriction will be recorded ensuring the County and MPWMD access into the subdivision or onto any lot for purposes of monitoring water use and compliance, and in case of a water permit exceedance, access into any home for inspection of fixtures.</u></p>			

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46.		<p>PBDSP012 – WATER USE REPORT (NON-STANDARD CONDITION)</p> <p>A quarterly water use report shall be submitted to the Water Resources Agency and Director of the Planning. If any report demonstrates that actual water use for the entire subdivision is within 5% of the maximum entitlement, the Director of Planning shall submit the final map for any subsequent phase to the Board of Supervisors for a discretionary determination as to whether water supply is adequate for that phase. The Board may deny the final map for that phase, limit the number of lots approved, limit total fixture counts for the phase or for individual building permits and/or take other measures as appropriate in each phase based upon their review of the Water Use Plan and quarterly reports to ensure that the total use over the entire subdivision does not exceed 57.21 acre-feet per year (AFY).</p> <p>(Water Resources Agency and RMA - Planning Department)</p>	<p>The terms of this condition shall be included in the CC&Rs. Submit CC&Rs to the Water Resources Agency and the Planning Department for review and approval.</p> <p>The water system operator shall submit quarterly reports on January 31st (for the previous period October 1 through December 31), on April 30th (for the previous period January 1 through March 31), on July 31st (for the previous period April 1 through June 30), and on October 31st (for the previous period July 1 through September 30) to the Water Resources Agency and the Director of Planning for review and approval. The reports shall document and certify the monthly water use, in acre-feet, for each connection.</p>	Water System Operator	<p>On-going;</p> <p>Quarterly on January 31st, April 30th, July 31st, and October 31st.</p> <p>Monitoring shall cease at the end of the 5th year after build-out for the purposes of limiting buildout for non-compliance with the 57.21 AFY cap shall cease upon issuance of final building permit for subdivision.</p> <p>Monitoring for compliance with water use limitations shall be on-going.</p>	

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SHERIFF'S OFFICE CONDITION OF APPROVAL						
47.		<p>SOSP001 – PUBLIC SAFETY AND SECURITY (NON-STANDARD CONDITION)</p> <p>Prior to occupancy, the applicant shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Department. Each of the residential units shall meet the required conditions regarding security measures, addressing, signage, doors, windows, locks, lighting, rooftops, streets, parking, gates, fences, and landscaping. (Sheriff-Marshall-Coroner-Public Administrator Department)</p>	<p>Applicant shall incorporate specifications into the design of the project. Applicant shall prepare a security plan for the review and approval of the Monterey County Sheriff and the Director of Planning.</p>	Owner/ Applicant	Prior to issuance of building permit	
			<p>Applicant shall schedule a Sheriff's Office clearance inspection prior to occupancy.</p>	Owner/ Applicant	Prior to occupancy	

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OFFICE OF HOUSING AND REDEVELOPMENT CONDITION OF APPROVAL						
48.		<p>OHRSP001 – INCLUSIONARY AND WORKFORCE HOUSING (NON-STANDARD CONDITION)</p> <p>The applicant shall execute an Inclusionary Housing Master Developer Agreement and a Workforce Housing Master Developer Agreement both with the County, and in a form acceptable to the County, that specifies the Inclusionary and Workforce Housing requirements for the project, including but not limited to the following:</p> <ul style="list-style-type: none"> a) A minimum of 15 inclusionary units and 7 Workforce I units shall be provided on the project site at the location specified on the approved tentative map. b) The type of unit (i.e. attached rental, townhouse for sale, detached for sale). c) The affordability level for the units (the Inclusionary units shall be low income for rental units or moderate income for ownership units and the Workforce I units shall be affordable to households earning up to 140% of the County median income) and the pricing, taking into account homeowners association dues and other assessments to ensure on-going affordability. d) The size of the units (number of bedrooms and square footage). e) The timing of providing the inclusionary units to ensure that they are in place prior to or concurrent with the need created by the construction of the market rate units. f) Subsequent County approvals needed for the construction of the units [i.e. use permit (for rental), design approval, subsequent land division (for condos)] and that those approvals must occur prior to any building permits being issued for the market rate units. g) The design of the units shall be compatible with the 	The applicant shall execute an Inclusionary Housing Master Developer Agreement and a Workforce Housing Master Developer Agreement with the County and in a form acceptable to the County consistent with this condition.	Owner/ Applicant	Prior to recordation of the final map.	

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		<p>market rate development and the natural landscape shall be sufficiently low in profile and scale to allow mature landscaping to effectively screen the structures from surrounding natural areas.</p> <p>h) Subsequent Inclusionary and Workforce Housing Agreements (i.e. Owner Agreements/Deed Restrictions for the individual units or Rental Regulatory Agreements required for the specific type of inclusionary units to be provided). The subsequent Inclusionary Agreements shall be in compliance with Ordinance #3419 but consistent with the County's adopted Inclusionary Administrative Manual to the extent possible.</p> <p>i) The term of affordability for the Workforce units shall be a minimum of 30 years.</p> <p>j) Homebuyer or tenant selection procedures including the approval of a marketing program by the County.</p> <p>k) Monitoring requirements. (Office of Housing and Redevelopment)</p>	See Previous			
CARMEL VALLEY FIRE CONDITIONS OF APPROVAL						
49.		<p>PBD001 - ANNEX TO FIRE DISTRICT The September Ranch Subdivision shall be annexed to the Carmel Valley Fire District. (Carmel Valley Fire District; RMA - Planning Department)</p>	<p>Owner/Applicant shall submit an application to LAFCO for annexation.</p>	Owner/Applicant	Prior to Recording Phase 1 of Final Map.	
			<p>The Planning Department and Fire shall work with LAFCO to process the proposed annexation.</p>	Owner/Applicant	Prior to Recording Phase 1 of Final Map.	
50.		<p>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</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		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. (Carmel Valley Fire District)	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 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. (Carmel Valley 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	

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52.		<p>FIRESP004 - DEAD-END ROADS (NON STANDARD CONDITION) No dead-end roads shall be permitted without a provision for access for emergency vehicles or egress for evacuation. (RMA - Planning Department and Carmel Valley Fire District)</p>	Applicant shall submit provisions for emergency vehicle access or egress for evacuation to the Director of Planning and the Fire Department for review and approval.	Owner/ Applicant/ Engineer	Prior to filing final map	
53.		<p>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</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 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 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. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
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. (Carmel Valley 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	
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 HS15-44 loading and have guardrails. Appropriate signage, including	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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		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. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
56.		FIRE010 -ROAD SIGNS All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any 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 entity to rename or renumber conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.	Applicant or owner	Prior to filing of final map.	

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		installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (Carmel Valley Fire District)	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.	
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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
58.		FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available (Carmel Valley Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	

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59.		<p>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</p> <p>For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Carmel Valley Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	
60.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES</p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
61.		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. (Carmel Valley 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	
62.		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. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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63.		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. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to filing of final map	
64.		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning. (Carmel Valley 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	
65.		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. (Carmel Valley 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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66.		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Carmel Valley Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
67.		FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING) The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the Uniform Building Code shall be required to be placarded as permanent building equipment. (Carmel Valley Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
68.		FIRE025 - SMOKE ALARMS - (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (Carmel Valley Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	

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69.		FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD) 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. (Carmel Valley Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
70.		FIRES001 - DEFENSIBLE SPACE REQUIREMENTS FOR MID-SLOPE ROADS (NON-STANDARD CONDITION) Remove combustible vegetation to a maximum of 100 feet of mid-slope roads in accordance with the "General Guidelines for Creating Defensible Space" as adopted by the California Board of Forestry and Fire Protection. (Carmel Valley 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	
71.		FIRES002 HELICOPTER LANDING ZONES (NON-STANDARD CONDITION) The development shall designate two (2) areas, one on each road, on the project site as helicopter landing zones. The areas shall meet the following criteria: <ul style="list-style-type: none"> • The area shall be clear of tall vegetation and a minimum of 75 feet in diameter. • The sites shall be located and identified using Global Positioning System (GPS) technology. (RMA - Planning Department and Carmel Valley Fire District)	Applicant shall submit proposed locations and GPS information on the proposed site to the Fire Department for review and approval. Applicant shall incorporate approved specifications into design and enumerate as "Fire Dept. Notes" on plans. The information shall be included in the CC&Rs. Submit CC&Rs to the Planning Department for review and approval.	Applicant or owner	Prior to filing of final map.	

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72.		<p>FIRES003 EMERGENCY SIGNS (NON-STANDARD CONDITION)</p> <p>The Park area on Parcel C and the dedicated public trails within the development shall be named and marked with legible signs visible to the public. The Park Parcel shall obtain an address from the Public Works Department. (Carmel Valley Fire District)</p>	Provide a map showing the names of the park area and the designated public trails within the development to the Fire Department for review and approval.	Applicant or owner	Prior to final building inspection	
PUBLIC WORKS CONDITIONS OF APPROVAL						
73.		<p>PW0018 – ROUGH GRADING FOR SLOPE</p> <p>Where cuts or fills at property line exceed 5' driveways shall be rough graded when streets are rough graded, and positive drainage and erosion control provided. (Public Works)</p>	Subdivider's Engineer shall include notes on improvement plans.	Subdivider/Engineer	Prior to Recordation of Final Map	

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74.		<p>PW0026 – PLANTING FOR GRADED AREAS</p> <p>All graded areas of the street right of way shall be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following:</p> <ul style="list-style-type: none"> a. That the cut and fill slopes can be stabilized. b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy Item a. c. Type and amount of maintenance required to satisfy Item a. (Public Works) 	Subdivider's Engineer shall include erosion control measures on improvement plans.	Subdivider/Engineer	Prior to Recordation of Final Map	
75.		<p>PWSP002-GRADING (NON-STANDARD CONDITION)</p> <p>Cut and fill slopes shall not exceed 1-1/2 to 1 except as specifically approved in concurrence with the geotechnical report and as approved by the Department of Public Works. Slope rounding shall be a minimum of 10 feet and include replacement of topsoil. (Public Works)</p>	Subdivider's Engineer shall include on improvement plans.	Subdivider/Engineer	Prior to Recordation of Final Map	
76.		<p>PWSP003-UTILITIES (NON-STANDARD CONDITION)</p> <p>Utility services shall be located within the area of rough graded driveways to eliminate trenching through cut slopes where possible. (Public Works)</p>	Subdivider's Engineer shall include on improvement plans.	Subdivider/Engineer	Prior to Recordation of Final Map	

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77.		PWSP006-TRANSIT STOP (NON-STANDARD CONDITION) Project applicant shall submit plans to install a safe transit stop(s) convenient to the project entrance, subject to the review and approval of the County Public Works Department and after consultation with the transit planner at Monterey-Salinas Transit (MST). The applicant shall provide an improved pull-out in each direction, and onsite signage at the site entrance showing the transit schedule and map (Public Works)	Subdivider's Engineer shall include on improvement plans. Subdivider shall provide bonds and construct improvements.	Subdivider/ Engineer	Improvement plans and bonds to be provided prior to recordation of final map. Construction in accordance with subdivision improvement agreement	
78.		PWSP007- FRONTAGE IMPROVEMENTS (NON-STANDARD CONDITIONS) Prior to recording the final map the applicant shall dedicate right-of-way along the entire frontage of Carmel Valley Road to accommodate the future widening of Carmel Valley Road to the satisfaction of the Director of Public Works. Such dedication shall be recorded with the final map. Construction of frontage improvements including widening of Carmel Valley Road and passing and bike lanes shall be bonded prior to filing of the Final Map and completed in accordance to Subdivision Improvement agreement and to the satisfaction of the Department of Public Works. The applicant shall be eligible for reimbursement for the value of right of way dedication and costs of improvements beyond those necessary for adequate project access. (Public Works)	Subdivider's surveyor shall include dedication on final map.	Subdivider/ Surveyor	Concurrently with recordation of final map	
79.		PWSP016 – UTILITIES (NON-STANDARD CONDITION) The subdivider shall submit three prints of the approved final map to each of the following utility companies. Pacific Gas & Electric Company, AT&T Company, and California-American Water Company. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. (Public Works)	Subdivider or engineer shall submit shall provide final map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.	Subdivider/ Engineer	Prior to Recordation of Final Map	

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80.		PWSP017 – PAYMENT OF FEES (NON-STANDARD CONDITION) The applicant shall provide evidence that all applicable fees to be paid by Subdivider, have been paid in full to all respective agencies before the filing of the final map for each phase. (Public Works)	Subdivider shall pay all fees.	Subdivider	Prior to Recordation of Final Map	
81.		PWSP008 – MAP/PLAN SUBMISSION (NON-STANDARD CONDITION) The initial submission of the improvement plans for checking shall be in complete form and accompanied by all required reports. The initial submission of the final map shall be in complete form and accompanied by the traverse sheets and map checking fees. (Public Works)	Subdivider's submittal to DPW shall be in a complete form.	Subdivider	Prior to Recordation of Final Map	
82.		PWSP018 – NATURAL DRAINAGE EASEMENTS (NON-STANDARD CONDITION) All natural drainage channels shall be designated on the final map by easements labeled "Natural Drainage Easements." (Public Works)	Subdivider's surveyor shall include on final map.	Surveyor	Prior to Recordation of Final Map	

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83.		<p>PWSP015 – MAINTENANCE (NON-STANDARD CONDITION) Prior to filing the final map, subdivider shall agree to pay for all maintenance of roads and storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors as completed in accordance with the agreement and:</p> <p>a. Until July 1st of the year from which 50% of the lots have dwellings completed for occupancy and carried on the assessment roll, and legal authorization to collect sufficient taxes to support the services is obtained, or</p> <p>b. Until a homeowner's 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 and Water Resources Agency)</p>	Subdivider shall be responsible to maintain improvements until acceptance by the Board and until maintenance is assumed by another entity.	Subdivider	Ongoing	
84.		<p>PWSP009-CROSS SECTIONS (NON-STANDARD CONDITION) Street cross sections at 50 foot intervals shall be submitted to the County Surveyor with the improvement plans. Slope easements may be required. (Public Works)</p>	Subdivider's Engineer shall include in improvement plans.	Subdivider/ Engineer	Prior to Recordation of Final Map	
85.		<p>PW0020 – PRIVATE ROADS Roads shall be designated on the final map as follows "Private Roads". (Public Works)</p>	Subdivider's surveyor shall include on final map.	Surveyor	Prior to Recordation of Final Map	

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86.		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	
87.		PWSP019 – ROADWAYS (NON-STANDARD CONDITION) All 30' Roadway and Utility Easements (R.U.E.) shall be paved to a minimum width of 12' plus drainage control. All other roads shall be constructed in accordance with the typical sections shown on the vesting tentative map. (Public Works)	Subdivider's Engineer shall include on improvement plans. Subdivider shall provide bonds and construct improvements.	Subdivider/ Engineer	Improvement plans and bonds to be provided prior to recordation of final map. Construction in accordance with subdivision improvement agreement	
88.		PWSP004-TAMC (NON-STANDARD CONDITION) The building permit applicant shall pay the TAMC Regional Development Impact fee, as described in Final Report of the Nexus Study, dated May 14, 2004, for mitigation toward cumulative regional traffic impacts, including impacts to SR 1 and 68. A note shall be included on the final map stating the above. (Public Works)	Applicant for Building Permit shall pay the TAMC fee to Public Works	Applicant for Building Permit	Prior to issuance of the Building Permit	

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89.		<p>PWSP005-DRAINAGE PLAN (NON-STANDARD CONDITION) Prior to the filing of the final map submit a comprehensive drainage and stormwater control plan to the Monterey County Public Works Department, Water Resources Agency, and the RMA - Planning Department. Said plan shall incorporate Best Management Practices (BMPs) for runoff water quality control, including the proper design and placement of sediment traps, seasonal landscape cover planting, soil stabilization, and stormwater drainage improvements to prevent the discharge of sediments and pollutants into off-site drainage channels. BMPs shall be contained in the Final Erosion Control Report submitted to and approved by the General Manager of the Water Resources Agency and the Director of Planning prior to filing the Final Map. (Public Works, Water Resources Agency, and Planning & Building)</p>	Subdivider's engineer shall prepare drainage and stormwater control plan.	Subdivider's engineer	Prior to recordation of Final Map	
90.		<p>PWSP010-SIGNS (NON-STANDARD CONDITION) Signs shall be placed at the subdivision entrance indicating that all roads are private. (Public Works)</p>	Subdivider's Engineer shall include on improvement plans.	Subdivider/ Engineer	Prior to issuance of the Building Permit	

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91.		<p>PWSP026 – CONSTRUCTION LOGISTICS PLAN (NONSTANDARD CONDITION)</p> <p>Prior to issuance of a grading permit, the applicant shall submit a Construction Logistics Plan for review and approval by the Public Works and Planning Departments. The purpose of the Plan shall be to minimize construction traffic during peak hours of travel and ensure that construction traffic enters and leaves Carmel Valley Road in a safe and efficient manner. The construction logistics plan shall include the following information:</p> <p>a. A narrative describing the following:</p> <ul style="list-style-type: none"> • Proposed truck routes; • Proposed hours of operation for construction truck traffic; • Estimated number of daily truck trips; • Estimated duration (in months) of the overall construction period as well as each phase; • Maximum number of construction workers that will be on the site on a daily basis during each phase; • Proposed traffic control system for Carmel Valley Road during construction. <p>b. Scaled site plan for each phase showing the following:</p> <ul style="list-style-type: none"> • Limits of construction work during each phase; • Location of any on-site construction staging areas and/or storage area. <p>Prior to the commencement of construction activities, the applicant shall post a publicly visible sign that outlines the specifics of the construction management plan, the telephone number of the on-site contractor and telephone number of the person to contact regarding complaints. This contact person shall respond to complaints and take corrective action within 24 hours. The telephone number of Monterey County Public Works Department shall be posted on the sign. (Public Works)</p>	<p>Prepare a Construction Logistics Plan for review and approval by the Public Works and Planning Departments.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading permits</p>	

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92.		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/ Engineer	Improvement plans and bonds to be provided prior to recordation of final map. Construction in accordance with subdivision improvement agreement	
93.		PWSP023 – HOMEOWNERS ASSOCIATION (NON-STANDARD CONDITION) Prior to recordation of a Final Map, complete all requirements and create a Homeowners Association (HOA) for operation and maintenance of specified infrastructure as required by the Department of Public Works (DPW). The submittal shall include a detailed written inventory of maintained infrastructure with specific locations, limits, areas, dimensions and miscellaneous information to clearly identify all facilities to be operated and maintained by the HOA. Infrastructure shall include, but is not limited to: roads, street lights, storm water, drainage facilities, parks, open space, and equestrian center. (Public Works)	Subdivider shall submit documentation to DPW for formation of homeowners association for review and approval.	Subdivider	Prior to recordation of Final Map	

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94.		<p>PWSP024 – HOMEOWNERS ASSOCIATION OMP (NON-STANDARD CONDITION)</p> <p>Prepare an Operation and Maintenance Plan (OMP) for all HOA facilities subject to the approval of the Director of Public Works. Said OMP shall include a detailed inventory of all facilities, operating requirements of each item, schedules, and proposed maintenance strategies for perpetuation of the facilities. The OMP shall take into account the phasing of the project over time and the financial needs for completion of the work on schedule. The OMP shall include an estimated cost for completion of the operating and maintenance strategy requirements, capital replacement and operating reserve over time for completion of each phase of the development and at completion of the development. (Public Works)</p>	Applicant’s engineer shall prepare an OMP and submit the OMP to the Department of Public Works for review and approval.	Applicant’s Engineer	Prior to recordation of the final map	
95.		<p>PWSP025 – HOMEOWNERS ASSOCIATION OMP (NON-STANDARD CONDITION)</p> <p>Develop, execute, and record a property-related agreement or other appropriate mechanism between the current property owner and the HOA to establish a maximum fee for each property created within the development to provide for completion of the Operation and Maintenance Plan (OMP) by the HOA. Said agreement shall be subject to the approval of the Director of Public Works and County Counsel. The agreement shall include all required ordinances, engineering assessments or other legal documents sufficient to establish a mechanism for collection of parcel fees and provide for an annual Engineering News Record Construction Cost Index increase in the parcel fee. (Public Works)</p>	Applicant’s attorney, in consultation with County Counsel, shall prepare an agreement.	Applicant’s attorney	Prior to recordation of the final map	

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96.		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	
97.		PWSP012 – FRONTAGE IMPROVEMENTS (NON-STANDARD CONDITIONS) Subdivider shall widen Carmel Valley Road to include a passing lane or acceleration and deceleration lanes, two through lanes and two shoulders/bike lanes subject to the prior approval of the design by the Department of Public Works. The costs associated with these public improvements, less any costs of these improvements required for project's specific impacts, shall be eligible for a reimbursement agreement. (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/ Engineer	Improvement plans and bonds to be provided prior to recordation of final map. Construction in accordance with subdivision improvement agreement	
98.		PWSP021 – CARMEL AREA WASTEWATER DISTRICT (NON-STANDARD CONDITION) Subdivider shall annex to the Carmel Area Wastewater District (CAWD). CAWD shall provide sewer collection and treatment services for this subdivision. (Public Works)	Subdivider shall request annexation to the Carmel Area Wastewater District and shall obtain approval from CAWD to provide sewer services.	Subdivider	Application for annexation shall be made prior to recordation of the final map. Annexation shall be completed and CAWD shall provide sewer services prior to occupancy of the first dwelling unit.	

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99.		PWSP022 – SEWER SYSTEM IMPROVEMENTS (NON-STANDARD CONDITION) All sewer system improvements shall be constructed in conformance with Carmel Area Wastewater District (CAWD) standards and shall be subject to the approval of CAWD. (Public Works)	Improvement plans shall be prepared and improvements shall be constructed in accordance with CAWD standards.	Subdivider/ Engineer	Improvement plans shall be prepared and bonds shall be provided prior to recordation of the final map. Improvements shall be completed prior to occupancy of the first dwelling unit.	
PARKS CONDITIONS OF APPROVAL						
100.		PKSSP001 – PARK PARCEL (NON-STANDARD CONDITION) Parcel C (3.2 acres) shall be cleared of all construction materials and debris and shall be dedicated to the Monterey County Parks Department for park and recreation purposes. (Parks Department)	Clear parcel of all construction materials and debris to the satisfaction of the Parks Department	Owner/ Applicant	Prior to recordation of the first Final Map	
			Submit Irrevocable Offer to Dedicate, as described, to the County, and have it conform to the requirements of and approved by the Director of Parks.	Owner/ Applicant	Prior to recordation of the first Final Map	

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101.		<p>PKS004 – RECREATIONAL TRAILS EASEMENT Prior to recordation of the first Final Map, the Applicant shall offer to dedicate a twenty (20) foot public recreational trail easement over the subdivided property, generally along the westerly boundary of the September Ranch Subdivision, for the purpose of providing public access from Carmel Valley Road to Jack’s Peak County Park. The trail easement shall be offered to the County through an Irrevocable Offer to Dedicate Agreement, which shall set forth the terms, conditions, restrictions and subsequent use and location of the public recreational trail. The specific trail alignment shall be located entirely within the trail easement as described and shown on the Applicant's Final Map. The Director of Parks and the Director of Planning shall approve the final alignment for the trail easement, which will generally follow the alignment shown on the Vesting Tentative Map. The trail easement shall not be opened to the public for trail access until such time as the County accepts the trail easement under the terms and conditions of the Irrevocable Offer to Dedicate, and thereafter assumes the responsibility for the public trail. (Parks and RMA - Planning Department)</p>	<p>Contact and meet with the Parks Department and the Planning Department to formulate the public recreation trail easement after receipt of IDR comments. Planning and Parks will have copies of the IDR comments for review by the owner/applicant.</p>	Owner/ Applicant	Upon receipt of Parks and the Planning Department IDR comments.	
			<p>Submit Irrevocable Offer to Dedicate, as described, to the County, and have it conform to the requirements of and approved by the Director of Parks.</p>	Owner/ Applicant	Prior to recordation of the final map	
102.		<p>PKSSP002 – PRIVATE TRAILS (NON-STANDARD CONDITION) Except upon County acceptance of the public trail along the westerly boundary of the September Ranch Subdivision, all trails depicted on the tentative subdivision map are private. No private trails are allowed to directly access Jacks Peak County Park. (Parks Department)</p>	<p>The Applicant shall identify all trails, except the future public trail along the westerly property boundary, as private trails on the Final Map, and add a note to the Final Map that states: "Private trail access into Jacks Peak County Park is prohibited."</p>	Owner/ Applicant	Prior to recordation of the first 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>The Applicant shall permanently fence off all private trail access points abutting Jacks Peak County Park and post a sign at each location that states: "Private trail access into Jacks Peak County Park is prohibited."</p> <p>The Director of the Parks Department shall review and approve compliance with this condition.</p>	Owner/ Applicant	Prior to recordation of the first Final Map	
103.		<p>PKSSP003 – RECREATION REQUIREMENTS/ LAND DEDICATION (NON-STANDARD CONDITION) Prior to recordation of the first Final Map, the Applicant shall comply with Section 19.12.010 - Recreation Requirements - of the County Subdivision Ordinance, Title 19, Monterey County Code, by dedicating land and recreation improvements in accordance with the provisions contained in Section 19.12.010 (D) for park and recreation purposes reasonably serving the residents of the inclusionary and workforce housing units. The Applicant shall also provide the Parks Department with a recreation plan and cost estimate for the improvements to be made on the dedicated parcel(s).</p> <p>a) A park and recreation plan shall be prepared by the Applicant for review and approval by the Director of Parks. The final approved park and recreation plan shall be</p>	<p>The applicant shall submit a recreation plan and cost estimate for the improvements to be made on the dedicated parcels(s) to Parks Department for review and approval.</p> <p>A park and recreation plan shall be prepared by the Applicant for review and approval by the Director of Parks.</p>	Owner/ Applicant	Prior to the recordation of the first 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>recorded as part of the first Final Map. The plan shall delineate park and recreation structures, tot lot location, park improvements and landscaping components with a cost estimate for each park site. The recreation plan shall also indicate the phasing and construction schedule for each park site. The park and recreation structures, tot lot, park improvements and landscaping shall be installed prior to the first occupancy permit is issued for the inclusionary and workforce housing units.</p> <p>b) Prior to recordation of the first Final Map, the Applicant shall provide the County with adequate security in the form of a performance bond or other suitable security acceptable to the County of Monterey in the amount of one hundred percent (100%) of the costs for the park and recreation improvements shown on the recreation plan.</p> <p>c) Prior to recordation of the first Final Map, the Applicant shall provide the Director of Parks with a park and recreation facilities maintenance and operation plan. The purpose of this plan is to assure the County that the park and recreational facilities will be maintained and operated for the enjoyment, health and safety of the residents of the inclusionary and workforce housing units with an appropriate funding source and maintenance entity. (Parks Department)</p>	<p>The Applicant shall provide the County with adequate security in the form of a performance bond or other suitable security acceptable to the County of Monterey in the amount of one hundred percent (100%) of the costs for the park and recreation improvements shown on the recreation plan.</p>	Owner/ Applicant	Prior to the recordation of the first Final Map	
			<p>A park and recreation facilities maintenance and operation plan shall be prepared by the Applicant for review and approval by the Director of Parks.</p>	Owner/ Applicant	Prior to the recordation of the first 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)
104.		<p>PKSSP004 – HISTORIC RESOURCES (NON-STANDARD CONDITION)</p> <p>The project itself does not include changes to the Equestrian Center facilities. To facilitate rezoning to add a Historic Resources overlay district due to the potentially historic resources on Parcel E, the Equestrian Center (the c. 1875 farmhouse and the c. 1932 barn w/ c. 1954 addition), a Phase 1 Assessment shall be completed by a Certified Historian on the list of the County’s approved Historic Resource Consultants. If the Phase 1 Assessment concludes that one or more of the buildings are historically significant, a Phase 2 Assessment shall be prepared.</p> <p>If the structures are historically significant, a deed restriction shall be placed on Parcel E stating: “The structures on this parcel are of historical significance. Any future changes to these resources shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties in order to avoid substantial adverse change to these resources. A substantial adverse change is defined as demolition, destruction, relocation or alteration such that the significance of the resource would be impaired.” (Parks Department)</p>	<p>A Phase 1 Assessment shall be completed by a Certified Historian on the list of the County’s approved Historic Resource Consultants for the farmhouse and the barn on the Equestrian Center Parcel (Parcel E).</p> <p>If the Phase 1 Assessment concludes that one or more of the buildings are historically significant, a Phase 2 Assessment shall be prepared.</p> <p>If the structures are historically significant, record a deed restriction on Equestrian Center Parcel (Parcel E).</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the recordation of the first Final Map</p> <p>Concurrent with the recordation of the first Final Map</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
105.		<p>PKSSP005 – CONSTRUCTION OF TRAILS (NON-STANDARD CONDITION)</p> <p>The applicant shall construct a public recreational trail within the twenty (20) foot trail easement, generally located along the westerly boundary of the September Ranch Subdivision property, for the purpose of providing public access from Carmel Valley Road to Jack’s Peak County Park. The trail shall be constructed to Monterey County Parks Department standards upon acceptance of the Irrevocable offer to Dedicate Agreement by the Monterey County Parks Department. (Parks Department)</p>	<p>The applicant shall construct the trail improvements to Monterey County Parks Department standards when the Irrevocable Offer to Dedicate Agreement is accepted by the Monterey County Parks Department.</p>	Owner/ Applicant	Within 6 months of Acceptance of the Irrevocable Offer to Dedicate Agreement by the Monterey County Parks Department	
106.		<p>PKSSP006 – LAND DEDICATION (NON-STANDARD CONDITION)</p> <p>The applicant shall dedicate Parcel D to a non-profit land conservation or land trust organization which shall in turn enter into an agreement with the Monterey County Parks Department to lease back the land to be managed as part of Jack’s Peak Park. The cost for the lease shall be at a minimum charge to the County. If the applicant is unable to identify a non-profit for the purpose of completing this transaction, then the applicant shall dedicate Parcel D to the County of Monterey. The term of the dedication of Parcel D shall be in perpetuity. (Parks Department)</p>	<p>The applicant shall submit an Irrevocable Offer to Dedicate the area within Parcel D to a non-profit land conservation or land trust organization, and have it conform to the requirements of and approved by the Director of Parks. If the applicant is unable to identify a non-profit for the purpose of completing this transaction, then the applicant shall dedicate Parcel D to the County of Monterey under the same terms.</p>	Owner/ Applicant	Prior to recordation of the final map	

ENVIRONMENTAL HEALTH CONDITIONS OF APPROVAL

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
107.		EHSP001 – WATER SYSTEM PERMIT (NON-STANDARD CONDITION) Obtain approval for a new 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 filing final map	
108.		EHSP002 – WATER SYSTEM IMPROVEMENTS (CO. PERMITTED SYSTEM) (NON-STANDARD CONDITION) Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Each well and all individual connections shall be metered. Submit engineered plans for the water system improvements, including plans for secondary treatment to include treatment for TDS to less than 500 mg/l, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. (Environmental Health)	Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to EH for review and approval prior to installing (or bonding) the improvements.	CA Licensed Engineer /Owner/ Applicant	Prior to filing final map	
109.		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	

<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>
110.		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	
111.		EHSP003 – WELL CONSTRUCTION PERMIT (NON-STANDARD CONDITION) Obtain a water well drilling permit from the Division of Environmental Health and construct two production wells for the water system. (Environmental Health)	Submit the Well Completion Report to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map	
112.		EHSP004 – WELL LOTS (NON-STANDARD CONDITION) Submit a final map indicating the proposed well lots, water distribution, and access easements for the water system to the Director of Environmental Health for review and approval. Once approved, well lots and easements shall appear as part of the final map. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map.	

<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>
113.		EH12 – EXISTING SEPTIC SYSTEM Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which crosses property lines or does not meet the setback requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. A permit for the system replacement shall be obtained from the Monterey County Health Department. (Environmental Health)	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final map	
114.		EHSP005 SEWER SERVICE CAN/WILL SERVE (NON-STANDARD CONDITION) The project shall be annexed into the Carmel Area Wastewater District Service Area and shall connect to the system. Provide certification to the Division of Environmental Health that Carmel Area Wastewater District can and will provide sewer service for the proposed property/project and financial assurances have been secured. (Environmental Health)	Submit certification to Environmental Health for review and approval.	Owner/ Applicant	Prior to filing the final map.	
115.		EH 25 – 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 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>
116.		EHSP006 – SEWER SYSTEM IMPROVEMENTS (NON-STANDARD CONDITION) Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the appropriate sewer service district. Flow and capacity assumptions for wastewater collection system must be verified in an Engineering Report submitted with improvement plans for review and approval by Public Works and EH. (Environmental Health)	Submit written verification to the Division of Environmental Health that plans have been reviewed and approved.	Owner/ Applicant	Prior to filing the final map	
117.		EHSP007 – ANIMAL MANURE (NON-STANDARD CONDITION) Animal Manure shall be removed or spread on a regular basis to prevent fly or other insect production. Manure shall not be collected or spread within 50 feet of down slope property lines and shall be managed to prevent any wastes entering any streams or water ways. (Environmental Health)	Submit a plan for removal and disposal of manure to the Director of EH for review and approval. Implement the plan.	Owner/ Applicant	Prior to filing the final map. Ongoing	
118.		EHSP008 – CAPITAL IMPROVEMENT FUND FOR MUTUAL WATER COMPANY (NON-STANDARD CONDITION) The developer shall deposit an amount equal to 15% of the entire project water treatment and distribution system total costs to a capital reserve account to pay for future equipment repairs and/or replacement costs. (Environmental Health)	Deposit the appropriate funds into a capital reserve account held in the name of the mutual water company. Provide evidence to the Division of EH that the funds have been deposited.	Owner/ Applicant	Concurrent with the incorporation of water system	
119.		EH38 - SEPARATE RECYCLABLES All persons shall separate all recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility (MCC 10.41.020.B). (Environmental Health)	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits/ Continuous condition	

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WATER RESOURCES AGENCY CONDITIONS OF APPROVAL						
121.		<p>WR37 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT</p> <p>If the homeowners' association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. Prior to filing the final map, a copy of a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> shall be provided to the Water Resources Agency for approval. (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	The agreement shall be recorded concurrently with the final map	
122.		<p>WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS</p> <p>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 or MPWMD Regulation XIV, <u>whichever is stricter.</u>" Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency <u>and to the MPWMD</u> 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	

<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>
123.		<p>WR42 WRSP001 - LANDSCAPING REQUIREMENTS (NON-STANDARD)</p> <p>A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. <u>The total amount of landscaping requiring an application of water shall be limited to 4,275 square feet for market-rate homes, 1,600 square feet for inclusionary homes, and 1,800 square feet for workforce homes.</u> 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 of the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	<p>Submit the recorded notice to the Water Resources Agency for review and approval.</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	
124.		<p>WR46 - C.C.&R. WATER CONSERVATION PROVISIONS</p> <p>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)</p>	Submit the CC&R's to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing 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>
125.		WR47 - WASTE MANAGEMENT PLAN The applicant shall provide the Water Resources Agency a Construction Site Waste Management Plan prepared by a registered civil engineer that addresses the proper disposal of building materials and other construction site wastes including, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary wastes. The Site Waste Management Plan must also address spill prevention, control and clean up of materials such as petroleum products, fertilizers, solvents, pesticides, paints and cleaners. (Water Resources Agency)	Submit the plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
126.		WRSP005 – DRAINAGE PLAN (NON-STANDARD CONDITION) Prior to filing the final map, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer with supporting calculations and construction details. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit a copy of the drainage control plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing of the final map	
127.		WRSP008 – COMPLETION CERTIFICATION (NON-STANDARD CONDITION) The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer, certifying compliance with approved drainage plan.	Owner/ Applicant	Prior to the issuance of any building permits	

MITIGATION MEASURES

<i>Permit Condition 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>
128.	4.2-1	<p>GEOLOGY AND SOILS</p> <p>The proposed project shall have a 50-foot setback for residential dwellings on either side of the southern mapped trace of the Hatton Canyon fault. (RMA – Planning and Building)</p>	<p>The geologic investigation shall be submitted to the Monterey County Planning Department and Building Services Department for review and approval.</p> <p>An easement shall be shown on the final map precluding residential development within the 50-foot setback area, as identified in the geologic investigation. The easement shall be designated as a fault hazard area. If fault traces are found, building envelopes shall be adjusted sufficient to establish a 50-foot setback for residential dwellings on each side of any fault trace.</p>	<p>Applicant</p> <p>Applicant</p>	<p>Prior to the issuance of grading or building permits, approval of subdivision improvement plans (for construction), or prior to recordation of the final map (for the easement).</p>	
			<p>The applicant shall submit to the Monterey County Planning Department and Building Services Department, written evidence that all site work within the identified easement will be inspected and tested during construction by a qualified engineering geologist.</p>	<p>Applicant</p>	<p>Prior to the issuance of building or grading permits.</p>	

<i>Permit Condition 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>
129.	4.2-2	GEOLOGY AND SOILS Underground utilities, which cross the fault trace shall be fitted with flexible couplings and shut off valves. (RMA – Planning and Building)	The geologic investigation shall be submitted to the Monterey County Planning Department and Building Services Department for review and approval.	Applicant	Prior to the issuance of grading or building permits, approval of subdivision improvement plans (for construction), or prior to recordation of the final map (for the easement).	
			The requirements of this mitigation measure shall be included as a note on an additional sheet of the final map.	Applicant	Prior to recordation of the final map.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department, written evidence that all site work within the identified fault easement will be inspected and tested during construction by a qualified engineering geologist	Applicant	Prior to the issuance of building or grading permits.	
130.	4.2-3	GEOLOGY AND SOILS Prior to the construction on inclusionary lots 15-18 and market rate lots 41 and 43, and any additional construction on the equestrian center, the project engineering geologist	The geologic investigation shall be submitted to the Monterey County Planning Department	Applicant	Prior to recordation of the final map.	

<i>Permit Condition 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>
		shall confirm that no fault traces cross the proposed building sites. (RMA – Planning and Building)	and Building Services Department for review and approval.			
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map. Building envelopes shall be adjusted to exclude development within 50 feet of the fault trace.	Applicant	Prior to recordation of the final map.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department, written evidence that all site work within the fault easement will be inspected and tested during construction by a qualified engineering geologist	Applicant	Prior to the issuance of building or grading permits.	
131.	4.2-4	GEOLOGY AND SOILS Proposed structures shall incorporate design in accordance with the latest Uniform Building Code and the appropriate seismic design criteria. A geotechnical investigation shall be prepared for each proposed building site to characterize soil and bedrock conditions so that suitable seismic foundation designs can be provided. The geologic	The geotechnical investigation shall be submitted to the Monterey County Planning Department and Building Services Department for review and approval.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement	

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		investigation shall employ standard engineering practices to ensure adequate foundations and design standards for the building sites. (RMA – Planning and Building)			Plans, or recordation of the final map, whichever occurs first.	
			A note shall be placed on an additional sheet of the final map that indicates that a geotechnical report was prepared for each building site.	Applicant	Concurrent with recordation of the final map.	
132.	4.2-5	GEOLOGY AND SOILS Earthwork and grading shall be kept to a minimum within the landslide deposits; any work performed within these areas shall be performed under the supervision of a qualified engineering geologist. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified engineering geologist.	Applicant	Prior to the issuance of grading permits for the affected lots.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits for the affected lots, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, as applicable.	
			The applicant shall submit to the Monterey County Planning	Applicant per	Prior to the issuance of	

<i>Permit Condition 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>
			Department and Building Services Department written evidence that all site work shall be inspected and tested during construction by a qualified engineering geologist.	geologist	grading permits	
133.	4.2-6	GEOLOGY AND SOILS Cut slopes in competent bedrock shall be constructed at slope inclinations no steeper than 0.5:1 to heights up to 15 feet, and should be approved by the project engineering geologist before grading. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified engineer.	Applicant per geologist	Prior to the issuance of grading permits.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall	Applicant per engineer	Prior to the issuance of grading or building permits.	

<i>Permit Condition 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>
			be inspected and tested during performance by a qualified engineer.			
134.	4.2-7	GEOLOGY AND SOILS Proposed cut slopes steeper than 0.5:1 or exceeding a height of about 15 feet may be allowed upon the approval by the project engineering geologist or geotechnical engineer. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of grading permits.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified	Applicant	Prior to the issuance of building or grading permits.	

<i>Permit Condition 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>
			engineer.			
135.	4.2-8	GEOLOGY AND SOILS Cut slopes within severely weathered rock that is susceptible to bedrock creep, or in areas of adverse bedding dip shall employ flatter slopes, typically 2:1 or less. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified engineer.	Applicant	Prior to the issuance of grading permits.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of building permits.	

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136.	4.2-9	GEOLOGY AND SOILS Structures located within old landslide deposits shall be constructed at or very near the natural grade to reduce cut slopes. Limited cut slopes can be created for access roadways and shall be constructed on slopes no greater than 2:1 and shall not exceed heights of 15 feet. Cut slopes shall be approved by the project engineering geologist or a geotechnical engineer before grading. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of grading permits or approval of subdivision improvement plans.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineer.	Applicant per engineer	Prior to the issuance of grading or building permits for the affected lots.	
137.	4.2-10	GEOLOGY AND SOILS Cut slopes in colluvium, alluvium, or topsoil shall be	The applicant shall submit to the Monterey County Planning	Applicant per	Prior to the issuance of	

<i>Permit Condition 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>
		constructed at a slope inclination not steeper than 2:1. All cut slopes shall be provided with permanent protection against erosion. (RMA – Planning and Building)	Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified engineer.	engineer	grading permits	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
				The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineer.	Applicant per engineer	Prior to the issuance of building or grading permits.
138.	4.2-11	GEOLOGY AND SOILS Compacted fill slopes shall be constructed at a slope inclination not steeper than 2:1. All fill slopes shall be provided with permanent protection against erosion. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan,	Applicant per engineer	Prior to the issuance of grading or building permits.	

<i>Permit Condition 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>
			which has been certified and approved by a qualified engineer.			
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineer.	Applicant per engineer	Prior to the issuance of building or grading permits.	
139.	4.2-12	GEOLOGY AND SOILS Control cut and fill earthwork that may destabilize the land surface; vegetation removal; and control surface water infiltration. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified	Applicant per engineer	Prior to the issuance of grading or building permits.	

<i>Permit Condition 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>
			engineer.			
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of building permits,	
140.	4.2-13	GEOLOGY AND SOILS Residential lots located upslope of or adjacent to old landslide deposits shall have drainage systems that divert concentrated surface waters from the slide masses. (Water Resources Agency and RMA – Planning and Building)	For the affected lots, the applicant shall submit to the Monterey County Planning Department and Building Services Department and the Water Resources Agency for review and approval the erosion control plan, which has been certified and approved by a	Applicant per engineering geologist	Prior to the issuance of grading permits	

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			qualified engineering geologist.			
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of building permits,	
141.	4.2-14	GEOLOGY AND SOILS Landscape irrigation systems shall be kept to a minimum (Monterey County standards) on lots shown in landslide deposits. Construction on ancient landslide deposits shall be appropriately designed to result in overall improvement to the existing drainage conditions within the landslide areas. Unlined ponds on or adjacent to the slide mass shall be avoided. (Water Resources Agency and RMA – Planning and Building)	For the affected lots, the applicant shall submit to the Monterey County Planning Department, Building Services Department and the Water Resources Agency for review and approval the erosion control plan, which has been certified and approved by a qualified	Applicant per engineering geologist	Prior to the issuance of grading permits	

<i>Permit Condition 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>
			engineering geologist.			
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of building permits,	
142.	4.2-15	GEOLOGY AND SOILS Subsequent design-level geotechnical investigations shall be performed at the appropriate time following preparation of definitive grading plans and during design of specific structures. In addition, subsequent geologic investigations shall be performed before construction on inclusionary lots 15-18, and market-rate lots 41 and 43. Subsequent subsurface exploration shall be conducted before the final map approval to further characterize the	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the grading plan, which has been certified and approved by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of grading permits	

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		possible mapped landslide in the vicinity of Lot 59. (RMA – Planning and Building)	The requirements of this mitigation measure shall be included as a note on all applicable grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
			The applicant shall submit to the Monterey County Planning Department and Building Services Department written evidence that all site work shall be inspected and tested during performance by a qualified engineering geologist.	Applicant per engineering geologist	Prior to the issuance of building permits.	
143.	4.2-16	GEOLOGY AND SOILS The effects of erosion and sedimentation may be mitigated by vegetative cover and properly designed surface drainage features. Competent bedrock exposed in both natural slopes and cut slopes will be less susceptible to erosion and, therefore, may not need a protective slope cover. Many of these slopes tend to be covered by rocky rubble, which works its way down slope over many years. Proper surface drainage systems shall be designed to direct concentrated water runoff away from the tops of these slopes. (Water Resources Agency)	Submit a copy of the Final Erosion Control Plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing of the final map	
			The applicant shall include the identified techniques on drainage plans, which shall be submitted to the Monterey County Water Resources Agency for review and approval. The drainage plan shall be prepared by a registered civil engineer.	Applicant per civil engineer	Prior to the issuance of grading or building permits.	

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			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
144.	4.2-17	GEOLOGY AND SOILS Shallow ground water conditions shall be considered in the design of roadways, utilities, and structures in these areas. (RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department and Building Services Department for review and approval the geotechnical or geologic studies that identify drainage plan, which has been certified and approved by a registered civil engineer or architect.	Applicant per civil engineer or architect	Prior to the issuance of grading or building permits.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	

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145.	4.2-18	GEOLOGY AND SOILS Drainage control shall include provisions for positive gradients so that surface runoff is not permitted to pond, either above slopes or adjacent to building foundations. Surface runoff and runoff from roof gutters shall be collected in lined ditches, closed pipes, cisterns or drainage swales and shall be conducted adequately to a storm drain, paved roadway, or water course. (Water Resources Agency and RMA – Planning and Building)	The applicant shall submit to the Monterey County Planning Department, Building Services Department and the Water Resources Agency, for review and approval, the drainage plan, which has been certified and approved by a registered civil engineer or architect.	Applicant per civil engineer or architect	Prior to the issuance of grading or building permits.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	
146.	4.3-1	WATER SUPPLY AND AVAILABILITY Water use on the property shall not exceed 57.21 AFY. (Water Resources Agency and RMA –Planning Department)	The applicant, per the water system operator, shall document annual water use and submit reports to the Water Resources Agency and the RMA- Planning Department on a quarterly basis. <u>In addition to meeting all reporting requirements of MPWMD, the reports will separately detail the number of active connections of employee, inclusionary and market-rate houses, the monthly water use</u>	Applicant	On-going during the lifetime of the project.	

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			<p><u>(interior, exterior and combined) for each connection, the permitted water amount for the lot, identification of whether the home at each connection is under construction or has completed construction and is accepting routine water service. Upon request of RMA – Planning Department or MPWMD, the applicant, per the water system operator, shall make available the name and address information for any connection exceeding its permitted water limit; such disclosures will be made pursuant to a public nondisclosure agreement consistent with State constitutional privacy guarantees.</u></p> <p><u>If the quarterly water use reporting shows that the subdivision is exceeding its Pro Rata Expansion Capacity or a total of 57.21 AFY, RMA Planning will review individual water use to determine which lots are exceeding their permitted water amounts and will direct an enforcement</u></p>			

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			<u>action or actions as appropriate to correct the overuse. Such actions may be initiated against the applicant, the water system operator, the lot owners, or each of them.</u>			
147.	4.3-2	<p>WATER SUPPLY AND AVAILABILITY The location of future wells on the September Ranch project site shall be based upon the following:</p> <ul style="list-style-type: none"> • Wells will be located based on pumping tests designed and executed to yield information on the radius of influence of potential multiple pumping wells • Project applicant will ensure that representative transmissivities for the three aquifer units are made available for informed decisions on placement of future wells to ensure new wells will not impact existing wells. • Resource Management Agency (RMA) retains discretion to require drilling of replacement wells if it is demonstrated, to the satisfaction of RMA and the Environmental Health Division that the project wells result in impacts to an existing well in use as of the date of project approval. (Environmental Health and RMA –Planning Department) 	<p>Prior to the issuance of permits for future groundwater wells, the County of Monterey shall review and approve well site plans to ensure that the insertion of new wells will not have an impact on existing wells.</p> <p>The terms of this mitigation measure shall be included into the Articles of Incorporation for the mutual water company.</p>	<p>Applicant</p> <p>Applicant</p>	<p>Prior to issuance of permits for new wells.</p> <p>Prior to the filing of the first final map</p>	
148.	4.4-1	<p>HYDROLOGY AND WATER QUALITY Prior to the filing of the final map the applicant shall submit a drainage report and drainage plan for review and approval by the Director of Public Works Department (DPW) and the General Manager of the Water Resources Agency (MCWRA). The report is to include and show all</p>	<p>Applicant’s Engineer shall prepare a drainage report and improvement plans for review and approval by DPW and MCWRA.</p>	<p>Subdivider / Engineer</p>	<p>Prior to Recordation of Final Map</p>	

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		tributary areas and information pertinent to the drainage in the area. Proposed detention basin capacities shall be sized to accommodate the difference between the 100-year post-development runoff and the 10-year pre-development runoff while limiting discharge to the 10-year predevelopment runoff rate. If runoff from individual lots cannot be directed to a detention basin, on-site retention or detention facilities shall be constructed in accordance with the requirements of the Water Resources Agency. (RMA – Planning and Building and Water Resources Agency)	For the subdivision improvements, the applicant shall submit evidence of a General Construction Activity Storm Water Permit obtained from the RWQCB to the Monterey County RMA - Planning Department.	Applicant	Prior to the approval of subdivision improvement plans, or issuance of a grading permit for subdivision improvements, whichever occurs first.	
			The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, the approval of Subdivision Improvement Plans, or recordation of the final map, whichever occurs first.	

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149.	4.4-2	<p>HYDROLOGY AND WATER QUALITY</p> <p>The project applicant shall prepare a drainage plan, which includes the proper design and placement of sediment traps to preclude the discharge of sediments and pollutants into offsite drainage channels. In order to mitigate adverse water quality impacts that could be generated by the proposed project after construction, potential BMPs for storm water runoff quality control should be incorporated into project design. These could include such measures as vegetated buffer strips, use of porous pavement, "grass-phalt," cisterns of storm water storage, street sweeping, percolation basins and grease/oil traps (with regular maintenance programs).</p> <p>Good housekeeping, waste containment, minimization of disturbed areas, stabilization of disturbed areas, the protection of slopes and channels, the control of the site perimeter, and the control of internal erosion are the objectives of the BMPs. The BMPs include limiting soil exposure through scheduling and preserving existing vegetation; stabilizing soils through seeding, planting, and mulching; diverting runoff through earth diking, temporary drains, swales, and slope drainage; reducing velocity through outlet protection, check dams, slope roughening/terracing; trapping and filtering sediment</p>	<p>The project applicant shall submit evidence of a General Construction Activity Storm Water Permit obtained from the RWQCB to the Monterey County RMA - Planning Department.</p> <p>The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map. The methods outlined in the mitigation measure shall be included in the design.</p>	<p>Applicant</p> <p>Engineer</p>	<p>Prior to the issuance of a grading permit.</p> <p>Prior to issuance of the grading permit, approval of the subdivision improvement plans, or concurrent with recordation of the final map, as applicable.</p>	

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		<p>through silt fencing, straw bale barriers, sand bag barriers, brush and rock filters, storm drain inlet protection, and sediment basins. Specific and extensive BMP measures, such as those identified below, should be contained in the Final Erosion Control Report, which shall be submitted as a condition of the Final Map.</p> <ul style="list-style-type: none"> • Temporary erosion and sedimentation control features shall be maintained until revegetation is sufficient to prevent erosion of disturbed construction and restoration sites. Sufficiency of revegetation shall be determined by the project's conservation manager and certified erosion and sedimentation control specialists. • Periodic pre-storm, storm, and post-storm monitoring inspections of BMP measures shall be conducted from the duration of construction phases and until temporary protection features have been removed. • Daily inspections shall be conducted during grading construction to assure condition and adequacy of erosion and sedimentation control features. • Daily repairs of damaged erosion- and sedimentation-control features (e.g., downed silt fencing, broken straw bales, damaged sandbags) shall be completed. <p>(RMA – Planning and Building, Public Works and Water Resources Agency)</p>	<p>The project applicant shall submit a drainage plan to the MCWRA for review and approval.</p> <p>Monterey County Grading staff and Public Works staff shall complete bi-weekly inspections of the project site, or more often if necessary depending on site conditions, to ensure compliance with BMPs. Inspections shall be at the applicant's expense.</p>	Applicant	Prior to the issuance of a grading permit	
150.	4.4-3	<p>HYDROLOGY AND WATER QUALITY</p> <p>The applicant shall prepare CC&Rs, which include requirements for the type and frequency of catch basin, sediment trap, and storm water inlet cleaning and maintenance. The storm drainage system shall be maintained on a regular basis to remove pollutants, reduce</p>	Prepare CC&Rs and submit to the Monterey County Water Resources Agency for review and approval.	Applicant	Prior to recordation of the final map.	

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		high pollutant concentrations during the first flush of storms, prevent clogging of the down stream conveyance system, and maintain the catch basins sediment trapping capacity. The homeowner's association, or some other similar responsible entity, shall provide for at least an annual inspection regimen and immediately repair or clean the system, as needed. (RMA – Planning and Building and Water Resources Agency)	The project applicant shall submit evidence of a General Construction Activity Storm water permit obtained from the RWQCB to the Planning Department. The project applicant shall submit a drainage plan to the MCWRA for review and approval.	Applicant Applicant	Prior to issuance of a grading permit Prior to issuance of a grading permit	
151.	4.6-1	TRANSPORTATION AND CIRCULATION At the intersection of State Route One and Carpenter Street, the subdivider shall request that Caltrans use overlap phasing to have the westbound right turns synchronized with the southbound State Route One left turn movement. The applicant shall make a fair share contribution to Caltrans for this improvement or shall obtain an encroachment permit from Caltrans and make the improvement. (RMA – Public Works)	Subdivider Shall submit request to Caltrans and pay fair share toward improvement or shall obtain an encroachment permit and make the improvement.	Applicant	Prior to issuance of the first residential building permit.	
152.	4.6-2	TRANSPORTATION AND CIRCULATION Prior to the issuance of building permits for any unit in the subdivision, the applicant shall implement the following circulation improvements to the satisfaction of the Director of Public Works: <ul style="list-style-type: none"> • Install right-turn taper on westbound Carmel Valley Road at the project entrance. • Install separate thru/left turn and right turn lanes at the project exit to maximize exit capacity. The costs associated with these public improvements, less any costs of these improvements required for project's specific impacts, shall be eligible to a reimbursement agreement.	Show improvements on Subdivision Improvement Plans. Install tapers and turning lanes.	Applicant Applicant	Prior to approval of Subdivision Improvement Plans. Prior to issuance of the first residential building permit.	

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		(RMA – Public Works)				
153.	4.6-3	<p>TRANSPORTATION AND CIRCULATION</p> <p>Project applicant shall pay to the County the Carmel Valley Master Plan Traffic Impact Fees pursuant to the Board of Supervisors Resolution No. 95-140, adopted September 12, 1995. Fees would be applied toward improvements, including but not limited to:</p> <ul style="list-style-type: none"> • Carmel Valley Road/Dorris Drive intersection improvements; • Carmel Valley Road/Laureles Grade intersection improvements; and • Rio Road/Carmel Ranch Boulevard intersection improvements. <p>(RMA – Public Works)</p>	Pay the applicable traffic impact fee to Monterey County.	Applicant	Prior to the issuance of each residential building permit.	
154.	4.6-4	<p>TRANSPORTATION AND CIRCULATION</p> <p>Contribute fair share fees for SR 1 improvements for all project-generated trips expected to use SR 1 north of Carmel Valley Road. The applicant shall pay to the County \$740/unit (2005 dollars), or as updated by the Department of Public Works, toward the cost of its interim Highway 1 improvements previously constructed. In addition, contribute fair share toward the following improvement:</p> <ul style="list-style-type: none"> • At the intersection of SR 1/Ocean Avenue/Carmel Hills Drive. <p>(RMA – Public Works)</p>	Pay a pro-rata fair share traffic impact fee to the Monterey County Public Works Department.	Applicant	Prior to issuance of each residential building permit	
155.	4.6-5	<p>TRANSPORTATION AND CIRCULATION</p> <p>Prior to the issuance of building permits for any unit in the subdivision, the applicant shall implement the following circulation improvements to the satisfaction of the Director of Public Works:</p>	Show improvements on Subdivision Improvement Plans.	Applicant	Prior to approval of Subdivision Improvement Plans.	

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		<ul style="list-style-type: none"> Carmel Valley Road at the project entrance, provide eastbound and westbound left-turn lanes. The left turn channelization design shall be reviewed and approved by the Director of Public Works prior to installation. <p>The costs associated with these public improvements, less any costs of these improvements required for project's specific impacts, shall be eligible to a reimbursement agreement.</p> <p>(RMA – Public Works)</p>	Install turning lanes.	Applicant	Prior to issuance of the first residential building permit.	
156.	4.6-6	<p>TRANSPORTATION AND CIRCULATION</p> <p>The project proponent shall contribute fair share fees for the overlap phasing improvements along Carmel Valley Road (as identified in the CVMP, 1995) at the following locations:</p> <ul style="list-style-type: none"> In front of September Ranch; Opposite of Garland Ranch Regional Park, which is east of Robinson Canyon Road; and Near Laureles Grade Road, which is east of Garland Ranch Regional Park. <p>(RMA – Public Works)</p>	Pay a pro-rata fair share traffic impact fee to the Monterey County Public Works Department.	Applicant	Prior to issuance of each residential building permit	

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157.	4.6-7	<p>TRANSPORTATION AND CIRCULATION Prior to the issuance of building permits for any unit in the subdivision, the applicant shall implement the following circulation improvements to the satisfaction of the Director of Public Works:</p> <ul style="list-style-type: none"> The project applicant shall install the fourth (north) leg of September Ranch Road (the project access road) at the existing stop controlled T-intersection of Carmel Valley Road/Brookdale Drive. The project applicant shall be responsible for signaling this intersection and any signal coordination costs associated with this signalization. <p>The costs associated with these public improvements, less any costs of these improvements required for project's specific impacts, shall be eligible to a reimbursement agreement. (RMA – Public Works)</p>	<p>The project applicant shall show the improvement designs on the Subdivision Improvement Plans.</p> <p>Construct the improvements.</p>	<p>Applicant</p> <p>Applicant</p>	<p>Prior to approval of the Sub. Improv. Plans.</p> <p>Prior to issuance of the first residential occupancy permits.</p>	
158.	4.6-8	<p>TRANSPORTATION AND CIRCULATION Prior to the issuance of building permits for any unit in the subdivision, the applicant shall implement the following circulation improvements to the satisfaction of the Director of Public Works:</p> <ul style="list-style-type: none"> In conjunction with the signalization improvements, install a "Signal Ahead" warning sign in both directions in advance of the signal at September Ranch Road and Brookdale Drive to alert drivers on Carmel Valley Road. <p>(RMA – Public Works)</p>	<p>The project applicant shall include the warning signs on the Subdivision Improvement Plans.</p> <p>Install the signs.</p>	<p>Applicant</p> <p>Applicant</p>	<p>Prior to approval of the Sub. Improv. Plans.</p> <p>Prior to issuance of the first residential building permit.</p>	
159.	4.7-1	<p>AIR QUALITY The use of BACMs shall be required during grading operations. BACMs that shall be incorporated into the project include:</p> <ul style="list-style-type: none"> Water all active construction areas at least twice daily. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet 	<p>The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.</p>	<p>Applicant</p>	<p>Prior to the issuance of grading permits.</p>	

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		<p>of freeboard.</p> <ul style="list-style-type: none"> • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • 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. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more). • Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (e.g., dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 mph. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. • Limit the area subject to excavation, grading and other construction activity at any one time to reduce emissions of PM₁₀ to less than 82 lbs. per day. <p>(RMA – Planning and Building)</p>	<p>The requirements shall be implemented as part of all grading operations.</p> <p>The Applicant shall submit a plan to the Director of Planning for review and approval, specifying the estimated acreage to be graded each day and the estimated reductions in fugitive dust from specific control measures. The control measures shall be implemented during grading and construction, with right of inspection granted to MBUAPCD staff.</p> <p>Contractor shall be responsible for implementing the approved plan to ensure control of PM₁₀ emissions.</p> <p>Applicant shall provide a monthly reporting during construction demonstrating compliance with measure.</p>	Applicant	During construction.	
160.	4.8-1	<p>NOISE</p> <p>The southern facade of the inclusionary and workforce housing units on lots 19-22 inclusive shall have no balconies or decks facing Carmel Valley Road unless the</p>	Submit the final design plans to the County of Monterey RMA - Planning Department for review and approval.	Applicant	Prior to the issuance of building permits.	

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		perimeter of such balconies or decks are shielded by a five-foot high glass or transparent plastic barrier. (RMA – Planning and Building)	The requirements of this mitigation measure shall be included as a note in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to recordation of the final map.	
161.	4.8-2	NOISE Habitable rooms of the inclusionary and workforce housing units on lots 19-22 inclusive that face south shall have a source of supplemental ventilation to allow for window closure in such rooms. (RMA – Planning and Building)	Submit the final design plans to the County of Monterey RMA - Planning Department for review and approval.	Applicant	Prior to the issuance of building permits.	
			The requirements of this mitigation measure shall be included as a note in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant	Prior to recordation of the final map.	
162.	4.9-1	BIOLOGICAL RESOURCES The project applicant, in consultation with a qualified biologist, shall submit a Final Map that is consistent with the recommendations outlined in the Forest Management Plan. The applicant shall prepare and submit an Open Space Management Plan and a Grassland Habitat Management Plan which will include the following: <ul style="list-style-type: none">• Show the development envelopes for each residential lot so as to minimize vegetation removal;• The identification of potential areas for building envelopes prior to the final map. The final map shall show the appropriate placement of the building envelopes with respect to the current conditions (i.e., slope, vegetation areas). All building envelopes shall require plant surveys that shall be conducted at the	The applicant shall retain the services of a qualified biologist to assist in the implementation of the mitigation measure and to act as habitat/open space manager for the project. Submit a Final Map and CC&Rs that implement the requirements of the Forest Management Plan, the Open Space Management Plan, and the Grassland Habitat Management Plan, and above easements.	Applicant Applicant/ Biologist	Prior to recordation of the final map. Prior to recordation of the final map.	

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		<p>appropriate time (individual blooming periods are shown in the biological report in Appendix H of the REIR);</p> <ul style="list-style-type: none"> • Prohibits planting/introduction of nonnative invasive plant species (such as acacia, French or Scotch broom, and pampas grass) within any portion of proposed lots, and prohibit planting/introduction of any nonnative species outside the development envelope; • Development of landscape guidelines that encourage the use of native species indigenous to the area as ornamentals and prevent the use of invasive exotics; • Limits the use of fencing to designated development envelopes, and prohibit fencing of parcel boundaries in order to maintain areas for wildlife movement; • Restricts direct disturbance or removal of native vegetation to designated development envelopes, as planned, through project covenants, codes and restrictions (CC&Rs), through dedication of a conservation and scenic easement, or other similar method (The project applicant currently proposes dedication of conservation and scenic easements over all portions of the site outside designated development envelopes). • Establishes lot restrictions and common open space regulations that limit uses and prescribe management responsibilities in private and common open space areas beyond the building and development envelopes identified in the final map. • Defines the conservation and scenic easements dedicated to an entity acceptable to the County of Monterey. These conservation and scenic easements are legally binding use restrictions recorded on privately owned land that can provide a high degree of protection to certain areas on the property while 	<p>Include notes for all applicable requirements of this mitigation measure on an additional sheet of the final map.</p> <p>Include appropriate notes and requirements in the CC&Rs</p>	<p>Applicant/ Biologist</p> <p>Applicant/ Biologist</p>	<p>Prior to recordation of the final map.</p> <p>Prior to recordation of the final map.</p>	

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		<p>allowing the rest of the land to be developed and used at the owner's discretion. Conservation and scenic easements to the benefit of the County of Monterey shall be recorded with the sale of the lot and shall run with the land regardless of the number of times the land is sold. Such easements shall be set aside for as much of the private open space on the property as is feasible to guarantee the long-term preservation of the site's overall biological resource values. Examples of the types of restrictions that shall be considered in these conservation easements include the following:</p> <ul style="list-style-type: none"> • Relinquishment of all development rights within the easement area; • Maintenance of natural habitat; • Pesticide use restrictions; • Only compatible public recreation uses allowed within easement lands, not uses that cause disturbance to native vegetation and wildlife; • Restricted trails for pedestrians, hikers and equestrian uses within easement lands; • No vehicles of any kind allowed in easement lands except for those required by the habitat/open space manager in performance of habitat monitoring or maintenance activities; • No alteration of land including grading, disking, compacting, soil removal or dumping shall be allowed unless the work is for the purpose of habitat management/restoration and authorized by the habitat/open space manager; • No removal of flora or fauna from the easement area including mowing or weed whacking unless authorized by the habitat/open space manager 	<p>Prepare a conservation and scenic easement deed between applicant and Monterey County.</p> <p>Record conservation and scenic easement</p>	<p>RMA- Planning Dept</p> <p>Clerk to the Board</p>	<p>Prior to recordation of final map.</p> <p>Concurrently with final map recordation</p>	

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		<p>(biologist);</p> <ul style="list-style-type: none"> • Limitations/restrictions will be placed on construction of permanent or temporary facilities (e.g., picnic tables or portable toilets) within the easement areas in accordance with the goals of the open space management program; • Leash laws within the easement areas must be enforced; and • Right of inspection of the easement area by the easement holder and habitat/open space manager (biologist). <p>Refer also to mitigation measures 4.9-2, 4.9-6, 4.9-7, 4.9-8 and 4.9-9 for implementation.</p> <p>(RMA – Planning and Building)</p>				
163.	4.9-2	<p>BIOLOGICAL RESOURCES</p> <p>The project applicant shall submit a Forest Mitigation and Monitoring Plan, which will identify permanently dedicated open space 3 times the acreage of Monterey pine/coast live oak forest (3-to-1 ratio) that will be developed. (RMA – Planning and Building)</p>	<p>Submit a Forest Mitigation and Monitoring Plan prepared by a qualified professional and subject to review and approval by the Monterey County RMA - Planning Department. In addition, the applicant shall submit periodic reports (as outlined in mitigation measure 4.9-3) prepared by a qualified professional to the Monterey County RMA - Planning Department outlining implementation and success of the Forest Management Plan.</p>	Applicant	Prior to the issuance of grading permits or recordation of the final map, whichever occurs first.	
164.	4.9-3	<p>BIOLOGICAL RESOURCES</p> <p>To reduce the loss of individual trees, all coast live oak</p>	<p>Submit tree replacement plan as</p>	Applicant per	Prior to the issuance of	

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		<p>trees and Monterey pine trees that are 6" or larger at the time of removal shall be replaced on a 1:1 basis by planting or transplanting trees in areas of suitable soil as determined appropriate by a professional forester. A tree replacement plan shall be prepared by a registered professional forester, and will be subject to review and approval by the County Planning Department, that includes the following:</p> <ul style="list-style-type: none"> - Identify tree planting areas with suitable soils that will also fulfill project landscape plans and visual screening objectives, as feasible. - Identify monitoring requirements, such as a site inspection at the end of the first winter after planting to confirm numbers, species of replacement, and locations of plantings. Annual inspections over seven (7) years after planting of replacement trees shall confirm that the objectives of the plan are being met, such as the survivability of the plantings, and the percentage of healthy trees. - The entire 100% of the plantings shall be established/surviving for seven (7) years after planting or monitoring (and replacement) shall continue until compliance is achieved, unless a professional forester determines that such action would be detrimental to the health of the stand due to overcrowding. The long term objective is 100%. If initial planting levels exceed 1:1 replacement, then whatever percent assures 1:1 replacement should be the minimum standard, subject to the above forester's finding caveat. - The location and species of all required replacement trees planted shall be mapped so they can be monitored for a seven (7) year period after planting. The monitoring period shall be extended for individual trees that die or are in poor health 	<p>outlined in mitigation measure.</p> <p>Plant trees as required by plan.</p> <p>Monitor success of tree planting/relocations. Submit report to Monterey County RMA - Planning Department.</p> <p>Map locations of planted and transplanted trees.</p>	<p>biologist</p> <p>Applicant per biologist</p> <p>Applicant per biologist</p> <p>Applicant per biologist</p> <p>Applicant</p>	<p>grading permits, approval of Sub. Improv. Plans, or recordation of the final map, whichever occurs first.</p> <p>As required by plan.</p> <p>Annually for seven (7) years after planting, except as required for unsuccessful replantings/transplanting.</p> <p>As trees are planted and transplanted.</p> <p>As seedlings are removed.</p>	

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		<p>and must be replaced.</p> <ul style="list-style-type: none"> - Transplanting of onsite native seedlings within construction areas and protection of those occurring near construction areas to maintain natural diversity and adaptation. - All replacement trees shall be of local, native stock. All replacement Monterey pines shall be grown from on-site native stock collected within the 500 foot elevation zone of the planting site. Replanting shall avoid open spaces where currently there are no trees unless there is evidence of soil deep enough and of good enough quality to support the plantings. <p>(RMA – Planning and Building)</p>	<p>Transplant seedlings.</p> <p>Include requirements of the tree replacement plan as a note on all grading permits, building permits, in the CC&Rs, and on an additional sheet of the final map.</p> <p>The applicant or agent shall file a report with the County, simultaneous with submission of each phase, documenting the survival status of all replacement trees planted to that date. The last phase will not be recorded if replacement trees planted to date are not meeting 100 percent survival, subject to the following:</p> <p>1) If all replacement trees planted to date are meeting 100% survival at that time, the applicant shall post a bond or other financial surety to ensure survival of 100% of the trees required for the project through the seventh year after planting;</p>	<p>per biologist</p> <p>Applicant per biologist</p> <p>Applicant</p>	<p>Prior to issuance of a permit or prior to recordation of the final map, as applicable.</p> <p>Prior to filing the final map for the final phase</p>	

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			<p>2) If all replacement trees planted to date are not meeting 100% survival, then prior to recording the last phase the applicant shall plant replacement trees sufficient to meet 100% survival and shall post a bond or other financial surety to ensure survival of 100% of the replacement trees required for the project through the seventh year after planting;</p> <p>3) If, due to violation of another project condition/measure or other circumstance, a prior phase retroactively becomes the last phase, at that time, the applicant shall post a bond or other financial surety sufficient to ensure survival of 100% of the replacement trees required for the project through the seventh year after planting.</p>			
165.	4.9-4	<p>BIOLOGICAL RESOURCES</p> <p>Pines adjacent to ones slated for removal shall be protected individually with orange construction fencing placed around their dripline. Pines not slated for removal shall not be damaged. To avoid mechanical damage to pines not slated for removal, the following measures are recommended:</p> <ul style="list-style-type: none"> • Minimizing impacts to retained trees by individually cutting adjacent removal trees; • Minimize mechanical tree damage such as skinning of the trunks, partial pushovers, etc. during construction or 	The requirements of this mitigation measure shall be included as a note on all grading plans, Subdivision Improvement Plans, and on an additional sheet of the final map.	Applicant	Prior to the issuance of grading permits, approval of the Sub. Improv. Plans, and prior to recordation of the final map.	

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		<p>harvesting operations;</p> <ul style="list-style-type: none"> • Build barricades around trees to prevent mechanical damage by equipment in yard and landscape environments. Try to minimize root damage by keeping trenching and digging to a minimum; • During landscaping operations, maintain final soil level around tree trunks and roots as much as possible to the same height as it was before construction; • Direct all drainage from developed areas away from low or flat areas near trees to prevent saturation of soils at the base of trees; and • Require protection of oak and Monterey pine trees located outside designated development envelopes unless proven to be diseased or unhealthy as determined registered professional forester. <p>(RMA – Planning and Building)</p>	<p>Implement the requirements of this mitigation measure.</p> <p>Forester should be present bi-weekly during construction to monitor compliance with mitigation measure.</p>	<p>Applicant per arborist</p> <p>Arborist</p>	<p>During construction.</p> <p>During construction</p>	
166.	4.9-5	<p>BIOLOGICAL RESOURCES</p> <p>There is no proven method available that will prevent pitch canker from infecting susceptible trees. To prevent the spread of the fungus into the pines within the project site, some actions can be taken to slow down the spread of the fungus, including the following:</p> <ul style="list-style-type: none"> • Minimize removal or severe pruning of trees during periods of peak beetle activity, particularly during maximum growth during the spring. Remove or chip trees and debris promptly and in accordance with handling guidelines of the Oak Mortality Task Force and Agricultural Commissioner for oaks and the Pitch Canker Task Force for pines; • All trees proposed for removal shall be removed carefully so as not to injure (including breaking nearby branches, cutting trunks, etc.) adjacent trees not slated 	<p>The requirements of this mitigation measure shall be included as a note on all grading plans, Subdivision Improvement Plans, and on an additional sheet of the final map.</p> <p>Implement the requirements of this mitigation measure.</p> <p>Arborist should be present bi-weekly during construction to</p>	<p>Applicant per arborist</p> <p>Applicant</p>	<p>Prior to the issuance of grading permits, approval of the Sub. Improv. Plans, and prior to recordation of the final map.</p> <p>During construction.</p> <p>During</p>	

<i>Permit Condition 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>for removal. There are some Monterey pines that are pest resistant to the pathogen and these trees may be used but should not constitute more than 30 percent of the planted stock as a seedbase for replanting.</p> <ul style="list-style-type: none"> Encourage healthy growth of trees. Susceptibility to beetle attack increases with poor health or damage due to breakage, wounding, or soil compaction. <p>(RMA – Planning and Building)</p>	monitor compliance with mitigation measure.	Arborist	construction.	
167.	4.9-6	<p>BIOLOGICAL RESOURCES</p> <p>Submit a final Forest Management Plan, which includes a Forest Mitigation and Monitoring Plan subject to review and approval by the County Planning & Building Inspection Department that includes the following:</p> <ul style="list-style-type: none"> Avoid grading, filling, and all construction activity within the dripline of oak trees, where possible. Any construction or activity within the dripline of oak trees shall be reviewed and approved by a qualified forester or arborist with their recommendations for protection as appropriate; and Develop CC&Rs that shall include oak tree protection as outlined in the Forest Management Plan on individual lots as part of future home construction, as well as guidelines for appropriate landscaping management to protect remaining oaks. Wherever possible, future homes should be sited outside of the dripline of any oak. <p>(RMA – Planning and Building)</p>	<p>Submit a final Forest Mitigation and Monitoring Plan prepared by a qualified professional and subject to review and approval by the Monterey County RMA - Planning Department.</p> <p>In addition, the applicant shall submit quarterly reports prepared by a qualified professional to the Monterey County RMA - Planning Department outlining implementation and success of the Forest Management Plan.</p>	<p>Applicant per arborist</p> <p>Applicant per arborist</p>	<p>Prior to the issuance of grading permits, approval of the Sub. Improv. Plans, or recordation of the final map, whichever occurs first.</p> <p>On-going during construction phases</p>	
168.	4.9-7	<p>BIOLOGICAL RESOURCES</p> <p>Clear definition of the development envelope for each lot in the coastal scrub areas, restrictions of the remainder of the lots, and implementation of the Tentative Map (Mitigation Measure 4.9-1) that details the general open</p>	Provide building envelopes for each parcel.	Applicant	Prior to recordation of the final map.	

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		<p>space management measures and conservation and scenic easement designations on lots should reduce some of the impacts to coastal sage scrub. In addition, to reduce the impacts to coastal sage scrub, the following mitigation measures are recommended:</p> <p>Submit final Open Space Management Plan that includes the following:</p> <ul style="list-style-type: none"> • Protection and enhancement for the long-term viability of the habitat types onsite and the plant and animal species they support; • Incorporation into project documents that are passed on to homeowners. The plan should include, but not be limited to, the following: <ul style="list-style-type: none"> • Limiting native vegetation removal and other disturbances in areas not specifically designated for buildings and other facilities to minimize losses to coastal sage scrub and grassland areas with high concentrations of native species as well as Monterey pine, coast live oak forest; • Protection of sensitive plant species identified herein (and in subsequent studies) through design, setbacks, salvage and relocation, and other means wherever feasible; and • Designation of trails and other directed access to/through common open space areas to reduce inadvertent habitat degradation. <p>(RMA – Planning and Building)</p>	<p>Prepare and submit an Open Space Management Plan, subject to the review and approval by the County of Monterey RMA - Planning Department.</p> <p>In addition, the applicant shall submit quarterly reports prepared by a qualified professional to the Monterey County RMA - Planning Department outlining implementation and success of the Open Space Management Plan.</p> <p>The requirements of this mitigation measure shall be included as a note on all grading permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.</p> <p>A biologist shall inspect the area</p>	<p>Applicant per biologist</p> <p>Applicant per biologist</p> <p>Applicant</p>	<p>Prior to the issuance of grading permits, approval of the Sub. Improv. Plans, or recordation of the final map, whichever occurs first.</p> <p>On-going during construction phases</p> <p>Prior to the issuance of grading permits, approval of the Sub. Improv. Plans, or recordation of the final map, whichever occurs first.</p>	

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			to be graded, prior to and after grading, to ensure implementation of the plan.	Applicant per biologist	On-going during grading phases.	
169.	4.9-8:	<p>BIOLOGICAL RESOURCES Submit a final Grassland Management Program that addresses the following:</p> <p>Preservation, enhancement, and restoration of native grasslands on the site. Including:</p> <ul style="list-style-type: none"> - Clear definition of the building footprint for each lot in the grasslands areas, restrictions on the remainder of the lot; and - Description of the implementation of an active grassland management program for both the lots and the common open space areas. - Light rotational, seasonally-timed grazing and/or appropriately timed mowing to reduce the cover of non-native annual grasses; - Limit soil disturbance through cultivation; - Preclude the use of herbicides unless applied directly to invasive, non-native species; - Address the removal of Monterey pine seedlings in the native grasslands (either through mowing or chipping); - Address restoration in areas dominated by invasive species like French broom; and - Consider the possible use of fire management on both the common open space and private open 	<p>Provide building envelopes for each parcel.</p> <p>Prepare and submit a final Grassland Management Plan, subject to the review and approval by the County of Monterey RMA - Planning Department.</p> <p>The applicant shall submit quarterly reports prepared by a qualified professional to the Monterey County RMA - Planning Department outlining implementation and success of the Open Space Management Plan.</p> <p>The requirements of this mitigation measure shall be included as a note on all grading permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included</p>	<p>Applicant</p> <p>Applicant per biologist</p> <p>Applicant per biologist</p> <p>Applicant</p>	<p>Prior to recordation of final map.</p> <p>Prior to the issuance of grading permits, approval of the Sub. Improv. Plans, or recordation of the final map, whichever occurs first.</p> <p>On-going during construction phases.</p> <p>Prior to the issuance of grading permits,</p>	

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		space grassland areas. (RMA – Planning and Building)	as a note on an additional sheet of the final map. A biologist shall inspect the area to be graded, prior to and after grading, to ensure implementation of the plan.	Applicant per biologist	approval of the Sub. Improv. Plans, or recordation of the final map, whichever occurs first. On-going during grading phases.	
170.	4.9-9	BIOLOGICAL RESOURCES To reduce the acreage impacts to native grasslands, pre-construction surveys shall be conducted that identify areas with high concentrations of native species (areas with over 50 percent native grassland species). Native grassland acreage shall be replaced at a 1:1 ratio. (RMA – Planning and Building)	Conduct pre-construction surveys. Prepare and submit a Grassland Management Plan that includes the results of the pre-construction survey, subject to the review and approval by the County of Monterey RMA - Planning Department.	Applicant per biologist Applicant per biologist	Prior to the issuance of grading permits, approval of the Sub. Improv. Plans, or recordation of the final map, whichever occurs first.	
171.	4.9-10	BIOLOGICAL RESOURCES To reduce the potential “take” of listed species the following are recommended: <ul style="list-style-type: none"> • Prior to construction of roadways or individual houses, a botanical survey shall be conducted during the appropriate blooming period for each species. If no listed species are observed no further action is required. • If individuals are found a report shall be prepared, detailing the habitats affected by the project, the species potentially affected by the project, and the appropriate 	Prepare and submit a botanical survey, subject to the review and approval by the county of Monterey RMA - Planning Department. Include the requirements of this mitigation measure as a note on	Applicant per biologist	Prior to the issuance of grading or building permits for subdivision improvements or individual homes. Prior to	

<i>Permit Condition 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>mitigation measures to reduce the “take” of listed species. Informal consultation with CDFG may be required. CDFG may require further actions.</p> <ul style="list-style-type: none"> If listed species are found a report shall be prepared, detailing the habitats affected by the project, the species potentially affected and appropriate mitigation measures to reduce “take” of listed species. Informal consultation with the USFWS will be required if Monterey spineflower are found. 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. <p>(RMA – Planning and Building)</p>	<p>an additional sheet of the final map and in the CC&Rs.</p> <p>Obtain appropriate permits from CDFG or USFWS, if required.</p> <p>Implement requirements of CDFG or USFWS permits, if required.</p> <p>A biologist shall inspect the site bi-monthly during construction to ensure implementation of the measure.</p>	<p>Applicant</p> <p>Applicant</p> <p>Applicant</p> <p>Applicant</p>	<p>recording of the final map.</p> <p>Prior to construction or grading activities.</p> <p>As outlined in permit.</p> <p>On-going</p>	
172.	4.9-11	<p>BIOLOGICAL RESOURCES</p> <p>The project applicant shall submit to the Monterey County RMA - Planning Department a Final Map that identifies the roadway realignments in the area of Lots 13-17 that avoid the identified population of Pacific Grove clover.</p> <p>(RMA – Planning and Building)</p>	<p>Submit Subdivision Improvement Plans and grading permit plans.</p>	<p>Applicant</p>	<p>Prior to the issuance of grading permits or approval of Sub. Improv. Plans.</p>	
173.	4.9-12	<p>BIOLOGICAL RESOURCES</p> <p>To avoid a take and/or further evaluate the presence or absence of raptors, the following is required:</p> <ul style="list-style-type: none"> Removal should be conducted outside the nesting season, which occurs between February 1 and August 15. If grading before February 1 is infeasible and groundbreaking must occur within the breeding season, a pre-construction nesting raptor survey shall be performed by a qualified biologist. If no nesting birds 	<p>Conduct preconstruction survey within time period recommended by resource agencies prior to activities.</p> <p>Provide the Monterey County RMA - Planning Department</p>	<p>Applicant per biologist</p> <p>Applicant per</p>	<p>Prior to the issuance of grading permits or tree removal.</p> <p>Prior to the</p>	

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		<p>are observed, no further action is required and grading may occur within one week of the survey to prevent “take” of individual birds that may have begun nesting after the survey. If birds are observed onsite after February 1 it will be assumed that they are nesting onsite or adjacent to the site. If nesting birds are observed, ground breaking will have to be delayed until after the young have fledged, as determined by bird surveys conducted by a qualified biologist, or after the nesting season.</p> <ul style="list-style-type: none"> The CDFG Central Coast Regional office does allow grading/or tree removal to occur if nesting birds are observed onsite, providing that a 500-foot buffer zone is created around the observed nest. (RMA – Planning and Building) 	<p>with written verification that nesting birds will not be disturbed and that a preconstruction survey has been performed and grading will occur in accordance with CDFG regulations.</p> <p>Obtain approval from CDFG for option outlined, if required.</p>	<p>biologist</p> <p>Applicant per biologist</p>	<p>issuance of grading permits or tree removal.</p> <p>Prior to grading or tree removal activities.</p>	
174.	4.9-13	<p>BIOLOGICAL RESOURCES</p> <p>To avoid a take and/or further evaluate the presence or absence of passerines, the following is required:</p> <ul style="list-style-type: none"> Grading within the grasslands shall be conducted outside the nesting season, which occurs between approximately February 1 and August 15. If grading before February 1 is infeasible and groundbreaking must occur within the breeding season, a qualified biologist shall perform a pre-construction nesting bird survey of the grasslands. If no nesting birds are observed, no further action is required and grading may occur within one week of the survey to prevent “take” of individual birds that may have begun nesting after the survey. If birds are observed onsite after February 1 it will be assumed that they are nesting onsite or adjacent to the site. If nesting birds are observed, ground breaking shall be delayed until after the young have fledged, as determined by bird 	<p>Conduct preconstruction survey within time period recommended by resource agencies prior to activities.</p> <p>Provide the Monterey County RMA - Planning Department with written verification that nesting birds will not be disturbed and that a preconstruction survey has been performed and grading will occur in accordance with CDFG regulations.</p>	<p>Applicant per biologist</p> <p>Applicant per biologist</p>	<p>Prior to the issuance of grading permits.</p> <p>Prior to the issuance of grading permits or tree removal.</p>	

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		<p>surveys conducted by a qualified biologist, or after the nesting season.</p> <ul style="list-style-type: none"> The CDFG Central Coast Regional office does allow grading to occur if nesting birds are observed onsite, providing that a 75 to 100-foot buffer zone is created around the observed nest. (RMA – Planning and Building) 	<p>Obtain approval from CDFG for option outlined, if required.</p>	<p>Applicant per biologist</p>	<p>Prior to grading or tree removal activities.</p>	
175.	4.9-14	<p>BIOLOGICAL RESOURCES</p> <p>To avoid “take” and or further evaluate presence or absence of roosting bats the following measures are required:</p> <ul style="list-style-type: none"> Snags shall not be removed without first being surveyed by a qualified bat biologist, 2-4 weeks prior to planned tree removal to determine whether bats are roosting inside the trees. If no roosting is observed, the snag shall be removed within one week following surveys. If bat roosting activity is observed, limbs not containing cavities, as identified by the bat biologist, shall be removed first, and the remainder of the tree removed the following day. The disturbance caused by limb removal, followed by a one night interval, will allow bats to abandon the roost. Remove large trees (>24” diameter at breast height [dbh]), or trees with cavities, between September 1 and October 30. This time period is after young are volant (flying), but before expected onset of torpor (winter inactivity). Smaller trees may be removed at any time. If trees larger than 24” dbh, or trees with cavities, must be removed outside this time period, night emergence surveys shall be conducted by a qualified bat biologist, 2-4 weeks prior to planned tree removal 	<p>Conduct preconstruction survey within time period recommended by resource agencies prior to activities.</p> <p>Provide the Monterey County RMA - Planning Department with written verification that bats will not be disturbed and that a preconstruction survey has been performed and activities will occur in accordance with CDFG regulations.</p> <p>Obtain approval from CDFG for option outlined, if required.</p>	<p>Applicant per biologist</p> <p>Applicant per biologist</p> <p>Applicant per</p>		

Permit Condition 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>to determine whether bats are roosting inside the trees. If no roosting is observed, the tree shall be removed within 1 week following surveys. If bat roosting activity is observed, limbs not containing cavities, as identified by the bat biologist, shall be removed first, and the remainder of the tree removed the following day. The disturbance caused by limb removal, followed by a one night interval, will allow bats to abandon the roost.</p>		biologist		
176.	4.10-1	<p>CULTURAL RESOURCES If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken: There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: The coroner of the county in which the remains are discovered must be 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, Salinan, 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</p>	<p>The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of Planning, Monterey County RMA - Planning Department for approval.</p> <p>The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.</p> <p>Implement the steps of the mitigation measure as necessary.</p>	<p>Applicant per archaeologist or anthropologist</p> <p>Applicant</p> <p>Applicant</p>	<p>Prior to the issuance of grading permits or approval of Sub. Improv. Plans, whichever occurs first.</p> <p>Prior to recordation of the final map and prior to issuance of permits.</p> <p>On-going</p>	

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		<p>- 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:</p> <ol style="list-style-type: none"> 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. 2. The descendent identified fails to make a recommendation; or 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. <p>(RMA - Planning Department)</p>				
177.	4.11-1	<p>AESTHETICS</p> <p>Prior to the issuance of a grading permit, the applicant shall submit a Final Map, which will be subject to review and approval by the Monterey County RMA - Planning Department (RMA-PD). The RMA-PD establishes envelopes on each proposed lot to define the building area that result in minimal grading and protect the public viewshed by avoiding ridgeline development and preserving existing screening vegetation. Home sites in building envelopes on the bluffs overlooking Carmel Valley Road should be limited in building height, as needed, to reduce visibility and screen buildings from Carmel Valley Road. (RMA – Planning and Building)</p>	<p>Submit a final map with building envelopes, design guidelines incorporated into the CC&Rs, and dedicate open space easement(s). Include applicable requirements as a note on an additional sheet of the final map.</p> <p>Submit a landscape and lighting plan subject to review and approval by the Monterey County RMA - Planning Department.</p>	<p>Applicant</p> <p>Applicant</p>	<p>Prior to recordation of the final map.</p> <p>Prior to issuance of all building permits.</p>	

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178.	4.11-2	<p>AESTHETICS</p> <p>Prior to issuance of a grading permit, the applicant shall submit design guidelines and landscaping plan subject to review and approval of the Monterey County RMA - Planning Department. The plan shall utilize a rural-agricultural architectural theme for the proposed development, break up building mass of the units closest to Carmel Valley Road, and implement landscaping materials compatible with the surrounding area. This plan shall also address the sewage treatment facility. Landscaping shall incorporate mature trees in the area nearest to Carmel Valley Road. (RMA – Planning and Building)</p>	<p>Submit design guidelines and landscaping plans as part of CC&Rs.</p> <p>Include design and landscaping plans on building permit plans.</p>	<p>Applicant</p> <p>Applicant</p>	<p>Prior to recordation of the final map.</p> <p>Prior to issuance of building permits.</p>	
179.	4.11-3	<p>AESTHETICS</p> <p>Prior to issuance of a building permit, the project applicant shall dedicate open space easements as shown on the Preliminary Project Review Map through dedication of a conservation and scenic easement or other suitable method to insure its long-term protection. (RMA – Planning and Building)</p>	<p>Prepare conservation and scenic easement deed between applicant and Monterey County. Submit the easement language to the County for review and approval.</p> <p>Record conservation and scenic easement</p>	<p>Applicant</p> <p>Applicant</p>	<p>Prior to recordation of final map.</p> <p>Concurrent with recordation of the final map.</p>	
180.	4.11-4	<p>AESTHETICS</p> <p>The applicant shall submit a public space (including public roadways) lighting plan subject to review by the Monterey County RMA - Planning Department. The plan shall identify the use of non-reflective materials, subdued colors, and lighting that does not create offsite glare. (RMA – Planning and Building)</p>	<p>Submit lighting plan to the Planning Department for review and approval.</p>	<p>Applicant</p>	<p>Prior to issuance of building permits or approval of Sub. Improv. Plans, whichever occurs first.</p>	

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181.	4.11-5	AESTHETICS The type, height, and spacing of security and parking lighting shall conform to the County standard, which requires that lighting be directed downward and be of a minimum intensity that will allow for proper safety. (RMA – Planning and Building)	Include requirements in lighting plan submitted for mitigation measure 4.11-4. Submit lighting plan to the Planning Department for review and approval.	Applicant	Prior to issuance of building permits or approval of Sub. Improv. Plans, whichever occurs first.	
182.	4.13.4-1	PUBLIC SERVICES AND UTILITIES The proposed project shall participate in curbside collection of bottles, cans, paper, and yard waste. (Environmental Health and RMA – Planning and Building)	The applicant shall provide verification to the County of Monterey RMA - Planning Department that a licensed recyclables hauler has been contracted to service the project area.	Applicant	Prior to the issuance of building permits.	
183.	4.13.5-1	PUBLIC SERVICES AND UTILITIES The applicant shall dedicate land for recreational uses prior to recordation of the final map. (Parks Department)	The applicant shall coordinate with the Monterey County Parks Department on the dedication of land and/or the payment of in lieu fees and the location of trail easements and identify such easements on the final map.	Applicant	Prior to recordation of the final map.	
184.	4.13.5-2	PUBLIC SERVICES AND UTILITIES The applicant, in coordination with the Parks Department, shall dedicate trail easements to the County for the connection of future trails with existing trails. The new public recreational trail shall, at a minimum, accommodate future and feasible connections to Jack's Peak Regional Park trail route and the possibility of other regional trail links to facilitate a regional trail system as outlined in the Greater Monterey Peninsula Area Plan. (Parks Department)	Identify trail easements on the final map.	Applicant	Prior to or concurrent with recordation of the final map.	
185.	4.13.5-3	PUBLIC SERVICES AND UTILITIES	Identify trail easements on the	Applicant	Prior to the	

<i>Permit Condition 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>
		Any agreed upon trail easement/alignment shall be identified on the tentative map for approval and on the Final Map for recordation. (Parks Department)	final map.		recordation of the final map.	
186.	5-1	CUMULATIVE IMPACTS – TRANSPORTATION AND CIRCULATION The applicant shall pay a fair share contribution towards improvements for Highway 1. (RMA – Public Works)	Pay fair share fee to the Public Works Department.	Applicant	Prior to the issuance of each building permit.	
187.	5-2	CUMULATIVE IMPACTS – TRANSPORTATION AND CIRCULATION The applicant shall pay a fair share contribution towards the improvements at the intersection of Highway 68/Laureles Grade Road. (RMA – Public Works)	Pay fair share fee to the Public Works Department.	Applicant	Prior to issuance of building permits.	

NEW CONDITIONS ADDED BASED UPON AUGUST 2010 FINAL REVISED WATER DEMAND ANALYSIS

188.		<u>PBDSP035 – LANDSCAPE WATER DEMAND (NON-STANDARD CONDITION)</u> <u>Each lot shall satisfy the substantive requirements of the Department of Water Resources Model Water Efficient Landscape Ordinance, tit. 23, Cal. Code Regs., §§ 490–495, regardless of whether the lot has a total project landscape area less than the threshold 5,000 square feet as identified in Section 490.1(a)(3) of the Ordinance. Compliance with the Ordinance will require, among other things, preparation and submissions of a Landscape Documentation Package including a Water Efficient Landscape Sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. Said compliance shall be demonstrated prior to issuance of building permits subject to the approval of the</u>	<u>The Owner/Applicant shall prepare and submit a Landscape Documentation Package including a Water Efficient Landscape Sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. Building permits will also specify ongoing compliance with the Ordinance, a requirement of dedicated landscape water meters and, for lots greater than 10,000 square feet, irrigation system</u>	<u>Owner/Applicant</u>	<u>Prior to the issuance of building permits</u>	
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		<p><u>Director of Planning. Notes shall be included on each site plan and final map indicating that submission and approval of the Landscape Documentation Package for any lot is required for development of that lot prior to issuance of a building permit. Building permits will also specify ongoing compliance with the Ordinance, a requirement of dedicated landscape water meters and, for lots greater than 10,000 square feet, irrigation system controllers equipped with soil moisture sensors. (RMA - Planning Department)</u></p>	<p><u>controllers equipped with soil moisture sensors. Package shall be submitted to the Director of Planning for review and approval.</u></p> <p><u>Notes shall be included on each site plan and final map indicating that submission and approval of the Landscape Documentation Package for any lot is required for development of that lot prior to issuance of a building permit.</u></p>			
189.		<p><u>WRSP001 – WATER PERMIT (NON-STANDARD CONDITION)</u></p> <p><u>Prior to the issuance of a building permit, the property owner shall obtain an approved water permit for that lot from MPWMD and submit a copy of the approved permit to the RMA-Planning Department and the Monterey County Water Resources Agency. The issuance of the building permit is predicated on the following restrictions:</u></p> <ul style="list-style-type: none"> <u>The building permit shall specify that no additional fixtures may be installed unless the property owner of the lot first obtains the necessary water permit amendment approved by MPWMD; and that no changes in type or location of landscaping or changes to the irrigation system will be made unless the property owner of the lot first submits sufficient evidence demonstrating that the modifications will not result in either an increase in annual water use or a reduction in water use efficiency, and obtains written concurrence from the RMA – Planning Department and MPWMD.</u> <u>The building permit will specify that if such modifications are made without the necessary water permit amendment, a flow restrictor may be installed in the water meter or water supply providing water to</u> 	<p><u>The Owner/Applicant shall obtain an approved water permit for that lot from MPWMD and submit a copy of the approved permit to the RMA-Planning Department and the Monterey County Water Resources Agency for review and approval.</u></p>	<u>Owner/ Applicant</u>	<u>Prior to the issuance of building permits</u>	

		<p><u>the property.</u></p> <ul style="list-style-type: none"> • <u>The flow restrictor shall be installed to ensure a level of water use consistent with the fixtures and landscaping used to calculate the level of water use for the water permit.</u> • <u>The flow restrictor shall not be removed unless the additional fixtures or other modifications are first removed or the property owner provides evidence satisfactory to RMA-Planning Department that water use will remain within the level consistent with the fixtures and landscaping approved in the water permit.</u> • <u>Individual variances from flow restrictor requirements may be made for medical needs that are certified by a doctor.</u> • <u>All costs for installation and removal of flow restrictors shall be charged to the property owner of the lot subjected to the action.</u> <p><u>(Water Resources Agency and RMA – Planning Department).</u></p>				
190.		<p><u>PBDSP036 – WATER SUPPLY AND AVAILABILITY (NON-STANDARD CONDITION)</u> <u>All toilets installed in Project lots shall meet the requirements of the U.S. Environmental Protection Agency’s WaterSense Tank-Type High-Efficiency Toilet Specification. All clothes washing machines shall meet the requirements of the U.S. Environmental Protection Agency for ultra low flow devices. (Water Resources Agency and RMA –Planning Department)</u></p>	<p><u>The Owner/Applicant shall submit a copy of the building permit plans and the MPWMD Water permit to the RMA-Planning Department and the Monterey County Water Resources Agency for review and approval.</u></p>	<p><u>Owner/Applicant</u></p>	<p><u>Prior to the issuance of building permits</u></p>	

EXHIBIT C-3

5900.000; 0602.200

Before the Board of Supervisors in and for
the County of Monterey, State of California

Resolution No. 06-363)
Resolution of the Monterey County)
Board of Supervisors certifying the)
Final Revised Environmental Impact)
Report (EIR#SCH1995083033),)
adopting a passing score,)
approving the September Ranch)
Subdivision Project Combined)
Development Permit (PC95062 &)
PLN050001), and adopting the)
associated Mitigation Monitoring and)
Reporting Plan (Carmel Valley Master)
Plan area).....)

The Final Revised Environmental Impact Report (EIR#SCH1995083033) for the September Ranch Subdivision Project application (PC95062 & PLN050001), scoring for the project, and the September Ranch Combined Development Permit came on for public hearing before the Monterey County Board of Supervisors on October 3 and November 14, 2006. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

1. **FINDING: CONSISTENCY** – The September Ranch Partners Combined Development Permit, as described in Condition #1 in Exhibit B-1, attached, as conditioned is consistent with applicable provisions of the Monterey County General Plan, Carmel Valley Master Plan, Monterey County Zoning Ordinance Title 21, Monterey County Subdivision Ordinance Title 19, Monterey County Code 18.46.040, Monterey County Inclusionary Housing Ordinance, Air Quality Management Plan and Transportation Plans & Policies.

EVIDENCE: On June 16, 1995, September Ranch Partners filed an application for a Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the division of 902 acres creating 100 market rate units, 17 inclusionary housing units, a lot for the existing equestrian facility, and open space. The application was deemed completed on July 13, 1995. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: On December 1, 1998, the Board of Supervisors approved the Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the

division of an 891-acre parcel creating 94 market rate units, 15 inclusionary housing units, a 20.2 acre lot for the existing equestrian facility (with one employee unit), and 791 acres of open space. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: The approval was challenged in court by *Save Our Peninsula Committee et al*, and *Sierra Club et al*. The Superior Court of Monterey County (Nos. M42412 and M42485) held that the EIR was legally inadequate under the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.* (CEQA). In Resolution No. 01-374, the Board of Supervisors vacated its December 1998 certification and approval. The application filed in 1995 remains on file; the proposed project is substantially consistent with the application deemed complete in 1995.

EVIDENCE: The project site is located on Carmel Valley Road (Assessor's Parcel Numbers 015-171-010-000, 015-171-012-000, 015-361-013-000, and 015-361-014-000), Carmel Valley in the County of Monterey.

EVIDENCE: Planning staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Subdivision Ordinance (Title 19), the Monterey County General Plan, the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21); Monterey County Code 18.46.040, Monterey County Inclusionary Housing Ordinance, Air Quality Management Plan and Transportation Plans & Policies.

EVIDENCE: The proposed development has been reviewed by the Monterey County Resource Management Agency--Planning Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks & Recreation Department, the Housing and Redevelopment Agency, Sheriff's Office and the Carmel Valley Fire Protection District. Recommended conditions for the proposed development have been incorporated.

EVIDENCE: Section 4.1.2 (Land Use and Planning Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable General Land Use Policies, Residential Land Use Policies and Open Space Policies of the Carmel Valley Master Plan.

EVIDENCE: Section 4.2.1 (Geology and Soils Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan and General Plan pertaining to geology and seismicity.

EVIDENCE: Section 4.3.4 (Water Supply and Availability Project Impacts) of the Recirculated Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to water supply and availability.

EVIDENCE: Section 4.4.2 (Hydrology and Water Quality Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to stormwater runoff and erosion control.

EVIDENCE: Section 4.5.2 (Wastewater Treatment and Disposal Project Impacts) of

the Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to sewage disposal and wastewater reclamation.

EVIDENCE: Section 4.6.2 (Transportation and Circulation Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to transportation and circulation.

EVIDENCE: Section 4.7.2 (Air Quality Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable goals and policies of the Carmel Valley Master Plan pertaining to air quality.

EVIDENCE: Section 4.8.2 (Noise Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to noise levels.

EVIDENCE: Section 4.9.2 (Biological Resources Project Impacts) of the Recirculated Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to biological resources.

EVIDENCE: Section 4.10.2 (Cultural Resources Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to archaeological, historic, ethnographic and ethnohistoric resources.

EVIDENCE: Section 4.11.2 (Aesthetics Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable policies of the Carmel Valley Master Plan and the Carmel Valley Visual Study pertaining to aesthetics and viewshed.

EVIDENCE: Section 4.12.2 (Population, Housing, and Employment Project Impacts) of the Draft Revised EIR analyzes the project's consistency with the quota and allocation system that guides development in the Carmel Valley Master Plan Area.

EVIDENCE: With regard to Public Services and Utilities, the only Carmel Valley Master Plan policies that are relevant to this project address development of recreation areas. Section 4.13.5 (Public Services and Utilities — Recreation Services) of the Draft Revised EIR analyzes the project's consistency with Policies 51.2.7 and 51.2.11 of the Carmel Valley Master Plan pertaining to recreational areas.

EVIDENCE: The Board of Supervisors has reviewed the status of the Hatton Canyon freeway and concluded that it is no longer feasible because it has been permanently eliminated as an option by the State Legislature. The Board has examined the current levels of service and other factors, including as evidence the County's pursuit of transportation improvements such as the climbing lane on Highway 1 and that the County has continued to limit development in Carmel Valley. The Board has concluded that the Project as designed and mitigated would be consistent with CVMP Policy 39.1.6. Based on constitutional principles, the County cannot require the applicant to comply with this provision of the Policy. The project is also consistent with Resolution No. 02-024.

EVIDENCE: During the preparation of the Carmel Valley Master Plan, the County of Monterey mapped Areas of Biological Significance in accordance with

CVMP Policy 7.1.1.1. The project site is not located within an area that is designated as an Area of Biological Significance. Although the policy does not apply, it is noted that the Revised EIR process focused extensively on Monterey pines as a sensitive resource, and the project is conditioned to protect this resource and to provide open space.

EVIDENCE: The property contains two land use designations and zoning districts. The northerly portion (494 acres) of the property is designated Rural Density Residential, 10 acres per unit, and is zoned Rural Density Residential, 10 acres per unit, Design Control, Residential Allocation Zone, and Site Plan Review overlay districts ("RDR/10-D-S-RAZ"). The southerly portion (397 acres) of the property is designated Low Density Residential, 2.5 acres per unit, and is zoned Low Density Residential, 2.5 acres per unit, Design Control, Residential Allocation Zone, and Site Plan Review overlay districts ("LDR/2.5-D-S-RAZ"). The property has a potential 208 parcels under the zoning district requirements if such development were determined consistent with all other regulations and policies. The project proposed by applicant contains 109 units, and the staff-recommended alternative contains 95 units plus the existing equestrian center facilities.

EVIDENCE: The equestrian center/stables and tract sales office are allowed pursuant to Sections 21.14.050.Y and 21.14.040.B, respectively, of the Monterey County Code.

EVIDENCE: The proposed subdivision is consistent with the Monterey County Subdivision Ordinance Title 19. See Evidence in Finding 6.

EVIDENCE: Monterey County Code 18.46.040 applies only within the Cal-Am service area and only to projects that would use water within the County's allocation. (Monterey County Code 18.46.030, Ord. 3310, 1988.) The proposed project would not receive water from Cal-Am and would not use water from the County's allocation.

EVIDENCE: The approved project's allocation of 22 units of affordable housing is consistent with Inclusionary Housing Ordinance #3419, the County regulation in effect at the time the application was determined complete. Section 4.1.2 (Land Use and Planning Project Impacts) and Section 4.12.2 (Population, Housing, and Employment Project Impacts) of the Draft Revised EIR analyze the project's consistency with the Monterey County Inclusionary Housing Ordinance.

EVIDENCE: The project does not propose any lots that will result in Ridgeline Development, as required by Policy 26.1.9 of the Monterey County General Plan. Section 4.11 of the Draft Revised EIR analyzed the visual impact from development of the project and found that no significant environmental effects were identified. Topography of the site includes hillsides in proximity to Carmel Valley Road that block views of the majority of the site's parcels from public roads on the valley floor. Proposed parcels that can be seen from public roads in Carmel Valley have suitable area within their development envelopes to avoid ridgeline development through existing topography or vegetation, or through siting of the building envelopes. Conditions of approval have been recommended to ensure that all building envelopes have adequate

building sites to avoid ridgeline development.

EVIDENCE: The proposed subdivision is consistent with the 2000 Air Quality Management Plan (AQMP). Section 4.7.2 (Air Quality Project Impacts) of the Draft Revised EIR analyzes the project's consistency with 2000 AQMP.

EVIDENCE: The project is consistent with 2000 Regional Transportation Plan Policies 1.1.1 and 1.1.3. Section 4.6.2 (Transportation and Circulation Project Impacts) of the Draft Revised EIR analyzes the project's consistency with applicable Regional Transportation Policies.

EVIDENCE: The Board of Supervisor's review of the record on October 3 and November 14, 2006.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

2. **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 Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

EVIDENCE: Staff conducted site visits on March 16, 2005 and July 25, 2006 to verify that the project on the subject parcel conforms to the plans submitted under PLN050001.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

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

EVIDENCE: Administrative record, including material in Planning Department files PC95062 and PLN050001.

EVIDENCE: Forest Management Plan and supplemental reports prepared by Hugh E. Smith (June 13, 1995) and Stephen R. Staub (August 15, 2002; January 30, 2004; February 28, 2005; June 30, 2005).

EVIDENCE: *Biological Resources Assessment, September Ranch Project*, prepared by Michael Brandman Associates, dated January 2004.

EVIDENCE: Site visits by staff from the Planning Department and Monterey County's EIR consultant.

EVIDENCE: Draft Revised EIR dated December 2004, Sections 3, 4.1, 4.2, 4.9 and 4.11.

EVIDENCE: Recirculated Draft Revised EIR dated February 2006, Sections 2.3, 2.4, 2.7, 4.9, and 5.1. Mitigation measures have been recommended in the EIR, and incorporated as project conditions of approval, to minimize biological, soil, and aesthetic impacts related to the proposed tree removal.

EVIDENCE: The Final Revised EIR, dated July 2006.

EVIDENCE: The tree removal under the Proposed Project involves six percent of the oak trees and four percent of the Monterey pine trees found on the project site. The tree removal under the selected 73/22 Alternative involves five percent of the oak trees and two percent of the Monterey pine trees found on the project site.

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

EVIDENCE: The proposed development has been reviewed by the Monterey County RMA – Planning Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, Housing and Redevelopment Agency, Sheriff's Office and the Carmel Valley Fire Protection District as part of the project design and environmental review process. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: Preceding Findings and supporting evidence.

EVIDENCE: In order to construct internal access roads, the project proposes grading over slopes in excess of 30 percent. Therefore, the project requires the granting of a Use Permit to allow development on slopes of 30 percent or more (Monterey County Code Section 21.64.230). See Evidence in Finding 5.

EVIDENCE: Up to approximately 34.90 acres of Monterey pine/coast live oak forest habitat will be impacted for construction of roads, utilities, and building pads. Therefore, the project requires a Use Permit for tree removal (Monterey County Code Section 21.64.260.D). See Evidence in Finding 3.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and Final Revised EIR dated July 2006.

5. **FINDING: 30 PERCENT SLOPES** - The proposed development on over 30 percent slopes better achieves the goals, policies, and objectives of the Monterey County General Plan and Carmel Valley Master Plan than other development alternatives consistent with CVMP Policy 26.1.10.1. There

is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

- EVIDENCE:** Geologic, Soils, and Drainage Assessment, September Ranch, Carmel Valley, Monterey County, California, June 30, 2003, prepared by Kleinfelder, Inc.
- EVIDENCE:** *Biological Resources Assessment, September Ranch Subdivision Project*, January 2004, prepared by Michael Brandman Associates.
- EVIDENCE:** Development envelopes, including all building sites on the market rate lots and some inclusionary lots and significant portions of the infrastructure, have been located on slopes of less than 30 percent.
- EVIDENCE:** 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 ranch 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 ranch roads, where possible, to minimize resource disturbance.
- EVIDENCE:** Portions of the building sites for some inclusionary units (for the selected 73/22 Alternative, lots 5-11) are located on slopes greater than 30 percent. These slopes are small portions of 30 percent slope within the proposed development envelopes. The location of these units partially on slopes greater than 30 percent better achieves the goals, policies and objectives of the Monterey County General Plan and Carmel Valley Master Plan by better meeting policies relating to aesthetics, general land use policies, and residential land use policies of the Master Plan. The policies that are better achieved by constructing some of the inclusionary units on 30 percent slopes include: Policies 4.2.2 (CV), 7.1.1.1 (CV), 7.2.1.2 (CV), 26.1.9.1 (CV), 26.1.21 (CV), 26.1.23 (CV), 26.1.26 (CV), 26.1.28 (CV), 26.1.32 (CV), 27.3.6 (CV), 34.1.1.1 (CV), and 34.1.1.2 (CV).
- EVIDENCE:** Application materials found in project files PC95062 and PLN050001.
- EVIDENCE:** *September Ranch, 73/22 Inclusionary Housing Alternative Site Plan* map prepared by Whitson Engineers, found in the project file, dated January 5, 2006.
- EVIDENCE:** *Thirty Percent Slope Areas for September Ranch* map prepared by Whitson Engineers, found in the project file.
- EVIDENCE:** *Draft Revised Environmental Impact Report for the September Ranch Subdivision Project*, December 2004, Michael Brandman Associates, Sections 4.1, 4.2, 4.4, 4.9, 4.11, 5 and 6.
- EVIDENCE:** *Recirculated Portion of Draft Revised Environmental Impact Report for the September Ranch Subdivision Project*, February 2006, Michael Brandman Associates, Sections 4.9, 5 and 6.
- EVIDENCE:** The Final Revised EIR, dated July 2006.
- EVIDENCE:** See Evidence in Findings 1 and 4.
- EVIDENCE:** 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.

6. **FINDING:** **TENTATIVE MAP** – None of the findings found in Section 19.05.055.B of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.

EVIDENCE: The proposed development has been reviewed by the Monterey County RMA – Planning Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks & Recreation Department, the Housing and Redevelopment Agency, Sheriff's Office and the Carmel Valley Fire Protection District. Recommended conditions for the proposed development have been incorporated.

EVIDENCE: The tentative map is consistent with the Monterey County General Plan and Carmel Valley Master Plan (see Evidence in Finding 1 – Consistency). Section 5.1.1 (Cumulative Impact Analysis) of the Draft Revised EIR addresses the project's cumulative impacts and consistency with the Monterey County General Plan and Carmel Valley Master Plan.

EVIDENCE: The design or improvement of the proposed subdivision is consistent with the Monterey County General Plan and Carmel Valley Master Plan. Section 4.1 (Land Use and Planning) of the Draft Revised EIR addresses the project's consistency with applicable General Land Use Policies, Residential Land Use Policies and Open Space Policies of the Carmel Valley Master Plan.

EVIDENCE: The site is physically suitable for the proposed development. Sections 4.1.2 (Land Use and Planning Project Impacts) and 5.1.1 (Cumulative Impact Analysis) of the Draft Revised EIR address the project's consistency with applicable General Land Use Policies, Residential Land Use Policies and Open Space Policies of the Carmel Valley Master Plan.

EVIDENCE: The site is physically suitable for the proposed density of development. Sections 4.1.2 (Land Use and Planning Project Impacts) and 5.1.1 (Cumulative Impact Analysis) of the Draft Revised EIR address the project's consistency with applicable General Land Use Policies, Residential Land Use Policies and Open Space Policies of the Carmel Valley Master Plan.

EVIDENCE: The design of the subdivision or the proposed improvements will not cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat. Sections 4.9.2 (Biological Resources Project Impacts) and 5.1.1 (Cumulative Impact Analysis) of the Recirculated Draft Revised EIR address the project's consistency with applicable policies of the Carmel Valley Master Plan pertaining to biological resources.

EVIDENCE: The design of the subdivision or the type of improvements will not cause serious public health problems. Sections 4.13 (Public Services and Utilities) and 5.1.1 (Cumulative Impact Analysis) of the Draft Revised EIR, and sections of other chapters assessing public health concerns relevant to each resource area, address the project's impacts to public health and safety. See evidence in Findings 1 and 4.

EVIDENCE: The design of the subdivision or the type of improvements will not conflict with an easement acquired by the public at large, for access through or use of property within the proposed subdivision. Staff has reviewed the title report for the property and has not identified any easements with which the project would conflict.

EVIDENCE: The subdivision meets the requirements imposed by the Subdivision Map Act and Monterey County Code, Title 19, as identified by staff review of the state law and local ordinance. See evidence in Finding 1.

EVIDENCE: The project design allows for future passive or natural heating and cooling opportunities. The large lots for the market rate units allow residences to be designed to take advantage of solar opportunities, as desired by the homeowner and architect. The smaller inclusionary lots also allow solar opportunities due to residences being sited such that either two sides of each residence will be open to the sun or the residence faces the south, which allows solar gain to the residence.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: The staff reports, minutes, public hearing records, maps, and other technical reports contained in File PC95062. The project has been analyzed according to the materials contained in File PLN050001, and a new Revised EIR has been prepared by the County to address concerns identified by the court (see Finding 14) and to ensure that all environmental impacts have been analyzed against the appropriate baseline conditions.

EVIDENCE: The staff reports, minutes, public hearing records, maps, and other technical reports contained in File PLN050001. The public and decision makers reviewed the Preliminary Project Review Map and Vesting Tentative Map at public hearings before the Subdivision Committee on June 8, 2006, and reviewed the Revised EIR, the Preliminary Project Review Map and the Vesting Tentative Map at public hearings before the Planning Commission on July 26, August 9, and August 16, 2006.

7. **FINDING: PERMIT** – On June 16, 1995, September Ranch Partners filed an application for a Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the division of 902 acres and create 100 market rate units, 17 inclusionary housing units, a lot for the existing equestrian facility (with one employee unit), and open space. On June 8, 2006, the Monterey County Subdivision Committee recommended that the Planning Commission recommend that the Board of Supervisors approve the following: A Preliminary Project Review Map and a Vesting Tentative Map for the: division of an 891-acre parcel into 73 market-rate residential lots and 22 inclusionary housing lots for a total of 95 residential lots; the existing 20.2 acre Equestrian Facility and accessory structures related to that use (Parcel E, sometimes called Lot 101); 536.4 acres of common

open space (includes Parcels A & C) and 273.6 acres of private open space (conservation and scenic easement) to be located on each residential lot outside the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for public sewage disposal; a Use Permit for the on-going commercial operation of an Equestrian Center (Lot 101) & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; a Use Permit for an on-site water treatment system, including new wells, back-up well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; a Use Permit for removal of a maximum 819 protected coast live oaks; an Administrative Permit for up to 97,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system and drainage detention areas; a Use Permit to allow development on slopes in excess of 30 percent for inclusionary housing on Lots 5 through 11, subdivision infrastructure and improvements; an Administrative Permit for inclusionary housing, equestrian center caretaker units/public office, a temporary tract sales office located in a trailer or alternative structure, and security gatehouse.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

8. **FINDING: INCLUSIONARY HOUSING** - In approving the vesting tentative map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources. The applicant is required to comply with provisions of Monterey County's Inclusionary Housing Ordinance.

EVIDENCE: Monterey County Ordinance #3419 is applicable to the project because the project application was deemed complete while that ordinance was in effect (see Finding 1).

EVIDENCE: The project as approved includes 15 on-site inclusionary housing units and 7 deed-restricted workforce units, which complies with the requirements of the Ordinance #3419.

EVIDENCE: Conditions of approval require that the applicant submit an Inclusionary Housing Master Development Agreement. The conditions of approval identify the required components of the agreement.

9. **FINDING: RECREATIONAL REQUIREMENTS** - The applicant will be required to comply with the recreational requirements of Title 19, Section 19.12.010.

EVIDENCE: The applicant will provide on-site recreational facilities at the equestrian center, a trail system and a tot lot. The applicant will dedicate Parcel C (3.2 acres) as identified on the Vesting Tentative Map. A public easement will be provided for the construction of a trail from this parcel to Jack's Peak Regional Park, along the subdivision's western boundary. Trail construction within the easement would be at the discretion of the

Monterey County Parks Department. At the direction of the Board, the lot closest to Jack's Peak Regional Park (Lot 68 under the selected 73/22 Alternative) shall be moved away from the Park, and the applicant shall dedicate the northern portion of the property that would have been Lot 68, and common open space identified as Parcel D on the map dated December 2006, to a non-profit and/or the Parks Department so as to provide ownership and management that will assure its continuing value as parkland/open space.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

10. **FINDING: SITE SUITABILITY** – The site is physically suitable for the proposed development.

EVIDENCE: The project has been reviewed for suitability by staff from the RMA – Planning Department, Public Works Department, Parks Department, Water Resources Agency, Environmental Health Division, Sheriff's Office, and Carmel Valley Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Recommended conditions, designed to address any concerns and recommendations of these agencies, have been incorporated into the recommended conditions of approval.

EVIDENCE: Preceding Findings and Evidence.

11. **FINDING: SCORING** – On June 16, 1995, September Ranch Partners filed an application for a Combined Development Permit (PC95062, September Ranch Partners) consisting of a preliminary Project Review Map, a Vesting Tentative Map to allow the division of 902 acres creating 100 market rate units, 17 inclusionary housing units, a lot for the existing equestrian facility, and open space.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

- 11a. **FINDING: SCORING** – The project is located within the Carmel Valley Master Plan area.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: Carmel Valley Master Plan, Figure 1.

- 11b. **FINDING: SCORING** – The Carmel Valley Master Plan and the Monterey County Code (Subdivision Ordinance) require that any subdivision located within the Carmel Valley Master Plan area be processed as a Preliminary Project Review Map prior to Tentative Map processing.

EVIDENCE: Title 19, Chapter 19.07, of the Monterey County Code.

- 11c. **FINDING: SCORING** – The Preliminary Project Review Map process requires that processing include 1) scoring by a Citizen’s Subdivision Evaluation Committee (CSEC); 2) consideration by the Subdivision Committee regarding technical matters; 3) consideration by the Planning Commission regarding the Subdivision Committee’s report, findings on water source capacity and quality, subdivision design and plan consistency.
- EVIDENCE:** Monterey County Code Section 19.07.025.
- EVIDENCE:** The Carmel Valley Land Use Advisory Committee scored the project at a public hearing on May 18, 1998. The CSEC recommended a score of 684.8 out of an applicable 918.
- EVIDENCE:** The Subdivision Committee considered the technical matters of the project on May 14, 1998, May 28, 1998 and June 25, 1998 and recommended approval to the Planning Commission on a 5-1 vote.
- EVIDENCE:** The Planning Commission considered the project, including the report of the Subdivision Committee, at public hearings on July 29, 1998, August 26, 1998 and September 30, 1998 and recommended certification of the FEIR #95-03 and approval of the Environmentally Superior Alternative of 49 residential units and 7.35 inclusionary units to the Board of Supervisors on a 4-3 vote.
- 11d. **FINDING: SCORING** – The Monterey County Subdivision Ordinance requires that the Board of Supervisors consider the report of the Planning Commission and confirm or modify the score of the Citizen’s Subdivision Evaluation Committee (CSEC). At a duly noticed public hearing on December 1, 1998 and December 8, 1998, the Board of Supervisors considered the report of the Planning Commission and the score of the CSEC, and assigned a score. Pursuant to court order, the Board has vacated its approval of the project, including the score assigned at that time. Having reviewed the recommendations of the CSEC and Planning Commission and the analysis in the Final Revised EIR, the Board herein modifies and adopts the score based on the findings and evidence set forth herein.
- EVIDENCE:** Monterey County Code Chapter 19.07.
- EVIDENCE:** This hearing on the scoring has been duly noticed in accordance with County regulations.
- EVIDENCE:** Staff report prepared for the December 1, 1998 hearing, which included the recommendation of the Planning Commission for a reduced project and the staff recommendation to confirm the CSEC score for Land Use, Rural/Visual, Traffic, Noise, Geology, Ecology, Cultural Resources, Public Services and Hazards and modify the CSEC score to allow a passing score in the category of Water/Hydrology.
- EVIDENCE:** Summary Scoring Sheet provided by the Carmel Valley Land Use Advisory Committee, serving as the Citizen’s Subdivision Evaluation Committee.
- EVIDENCE:** Administrative record including material in Planning Department Files PC95062 and PLN050001.

EVIDENCE: The Court of Appeal decision set forth in *Save Our Peninsula v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 104 Cal Rptr.2d 326, Superior Court proceedings on remand, and the Board's vacation of its prior approval in Resolution No. 01-374.

11e. **FINDING:** **SCORING** – Based on the current record, the Board of Supervisors confirms the score of the Citizen's Subdivision Evaluation Committee (CSEC) for Land Use, Rural/Visual, Traffic, Noise, Geology, Ecology, and Public Services.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: Summary Scoring Sheet provided by the Carmel Valley Land Use Advisory Committee, serving as the Citizen's Subdivision Evaluation Committee.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

11f. **FINDING:** **SCORING** – The Board of Supervisors modifies the score of the Citizen's Subdivision Evaluation Committee (CSEC) for the Water/Hydrology category. The CSEC assigned an average score of 36 out of 85. The score is modified to 45 out of 85.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: Summary Scoring Sheet provided by the Carmel Valley Land Use Advisory Committee, serving as the Citizen's Subdivision Evaluation Committee.

EVIDENCE: The score is modified by the Board of Supervisors because Question 14a states that the project should score 20 points if the package sewage treatment plant needed for this subdivision is designed to provide reclaimed water for landscape irrigation. The project will connect to the Carmel Area Wastewater District which provides reclaimed water for landscape irrigation. Question 15a states that the project should score 20 points if a project utilizes a new source of water other than that from existing public purveyors or wells penetrating and drawing from the Carmel River Aquifer, including proven aquifers. Question 15c states that the project should score 5 points if the project design minimizes landscaping and the water system includes metering.

EVIDENCE: Draft Revised EIR (Section 4.5 and Appendix D), Recirculated Draft Revised EIR (Section 4.3 and Appendix C) and the Final Revised EIR (Master Responses MR-17, MR-18, HMR-1, HMR-2, HMR-3, HMR-4, MR-19, Appendix A and Appendix B [Condition Compliance and Mitigation Monitoring and Reporting Plan]). These documents demonstrate the criteria necessary to qualify for 45 points in the Water/Hydrology Category.

- 11g. FINDING: SCORING** – The Board of Supervisors modifies the score of the Citizen’s Subdivision Evaluation Committee (CSEC) for the Cultural Resources category. The CSEC assigned an average score of 0 out of 10. The score is modified to 10 out of 10.
- EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
- EVIDENCE:** Summary Scoring Sheet provided by the Carmel Valley Land Use Advisory Committee, serving as the Citizen’s Subdivision Evaluation Committee.
- EVIDENCE:** The score is modified by the Board of Supervisors because Question 29b states that a project should score 10 points if historical site or buildings are to be protected.
- EVIDENCE:** Draft Revised EIR (Section 4.10) and the Final Revised EIR (Response to Comments SOCR 1-27, CVA 1-24, AMAP 1-1, MJ 2-3 and Appendix B [Condition Compliance and Mitigation Monitoring and Reporting Plan]). These documents demonstrate the criteria necessary to qualify for 10 points in the Cultural Resources Category.
- EVIDENCE:** The project does not propose to alter the potentially historic equestrian center/barn, and neither will be altered under nor impacted by the proposed project or the selected 73/22 Alternative.
- EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
- 11h. FINDING: SCORING** – The Board of Supervisors modifies the score of the Citizen’s Subdivision Evaluation Committee (CSEC) for the Hazards category. The CSEC assigned an average score of 23 out of 60. The score is modified to 25 out of 30.
- EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.
- EVIDENCE:** Summary Scoring Sheet provided by the Carmel Valley Land Use Advisory Committee, serving as the Citizen’s Subdivision Evaluation Committee.
- EVIDENCE:** The score is modified by the Board of Supervisors because Questions 32a and 32b are not applicable to the project because no portion of the project is within the floodway of the Carmel River. Questions 33b and 33c state that a project should score 5 points if the design shows alternate access routes in and out of the subdivision and 20 points if the local fire agency has incorporated their recommendations into the subdivision proposal.
- EVIDENCE:** Draft Revised EIR (Section 4.13) and the Final Revised EIR (Response to Comments MROB 1-28, DFFP 2-9, CVA 2-12, Master Response MR-9, and Appendix B [Condition Compliance and Mitigation Monitoring and Reporting Plan]). These documents demonstrate the criteria necessary to qualify for 25 points in the Hazards Category.

11i. **FINDING: SCORING** – The final score of 708.8 out of 970 possible points is based upon the project alternative of 73 market rate and 22 affordable units. If the Board were to approve the applicant’s proposed project, the differences between applicant’s proposed project and the smaller 73/22 Alternative would not affect the variables analyzed for the scoring, and the scoring would remain the same.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: The September Ranch Partners Combined Development Permit, as proposed by the applicant and as described in Condition No. 1, and as conditioned, is consistent with the applicable portions of the Carmel Valley Master Plan. See Evidence in Finding 1.

11j. **FINDING: SCORING** – The new final score is 708.8 out of 970 possible points with a score of greater than 50% for each category.

EVIDENCE: Findings 11e, 11f, 11g, 11h, and 11i above.

EVIDENCE: Scoring Results Summary Table:

Category	Possible Score	1998 LUAC Score	50% of Possible Points Met? (Y/N)	Score Recommended by Staff	Modified Score	50% of Possible Points Met? (Y/N)
1. Land Use	200	156	Y	194	156	Y
2. Rural/Visual	210	186	Y	205	186	Y
3. Water/Hydrology	85	36	N	45	45	Y
4. Traffic	210	141.8	Y	172	141.8	Y
5. Noise	10	10	Y	10	10	Y
6. Geology	90	49	Y	90	49	Y
7. Ecology	105	66	Y	90	66	Y
8. Cultural Resources	10	0	N	10	10	Y
9. Public Services	20	17	Y	20	20	Y
10. Hazards	30	23	Y	25	25	Y
Totals	970	684.8	2 NO	861	708.8	0 NO

12. **FINDING: BIOLOGICAL RESOURCES** – For purposes of the Fish and Game Code, the project may result in changes (but not significant adverse changes) to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

EVIDENCE: Draft EIR dated December 2004 and Recirculated Draft Revised EIR dated February 2006, including but not limited to Chapter 4.3, Chapter 4.9, Chapter 5.0, Appendix C, and the Final Revised EIR dated July 2006

(including but not limited to Response to Comments and Errata), contained in the project file.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PC95062 and PLN050001.

13. **FINDING: PROJECT HISTORY** – An EIR was prepared and circulated for public review, and was considered and certified by the Board of Supervisors in December 1998. After certifying the EIR, the Board of Supervisors approved the September Ranch subdivision project. The certification and approval were challenged in court. The Superior Court found that the EIR was legally inadequate under the California Environmental Quality Act, Public Resources Code §§21000 *et seq.* (CEQA).

EVIDENCE: *Save Our Peninsula Committee et al. and the Sierra Club et al. v. Monterey County Board of Supervisors* (Monterey Superior Court Case Nos. M42412 and M42485).

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

14. **FINDING: JUDICIAL PROCEEDINGS** – The project applicant September Ranch Partners and James Morgens, real parties in interest, appealed the Superior Court judgment. In 2001, the 6th District Court of Appeal affirmed the lower court ruling in part and reversed in part. The appellate court found the EIR's analysis of water issues legally inadequate and the EIR's analysis of traffic impacts and mitigation legally adequate under CEQA. The Court of Appeal decision contained explicit direction regarding the discussion and analysis required for a legally adequate Revised Environmental Impact Report, summarized in a subsequent writ from the Superior Court dated September 26, 2001. The Board of Supervisors vacated its December 1998 certification and approval and directed staff to prepare a revised EIR consistent with the court's direction. In 2002, Monterey County retained Michael Brandman Associates to prepare a Revised EIR for the project submitted by September Ranch Partners.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

EVIDENCE: *Save our Peninsula Committee et al. v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99 (collectively with superior court proceedings also referenced herein as "September Ranch litigation").

EVIDENCE: Monterey County Superior Court writ dated September 26, 2001 (Monterey County Superior Court Case Nos. M42485 and M42412).

15. **FINDING: REVISED EIR NOTICE OF PREPARATION** – On January 31, 2003, a Notice of Preparation for a Revised Environmental Impact Report was circulated to agencies and interested parties.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

16. **FINDING: DRAFT REVISED EIR CIRCULATED** – a Draft Revised Environmental Impact Report dated December 2004 was distributed to responsible agencies, trustee agencies, other departments and agencies, and interested parties including the State Clearinghouse (SCH#1995083033) in accordance with the California Environmental Quality Act. The public comment period for this document was from January 13, 2005 to February 28, 2005.
- EVIDENCE:** Notice of Completion, dated December 29, 2004, was sent to the State Clearinghouse, along with copies of the Draft Revised EIR, which were circulated to State agencies.
- EVIDENCE:** A Notice of Availability was published, mailed to interested parties and property owners within 300 feet of the project boundaries, and was posted on site.
- EVIDENCE:** Administrative record including material in Planning Department files PC95062 and PLN050001.
17. **FINDING: DRAFT REVISED EIR COMMENTS** – Comments on the Draft Revised EIR were received from agencies and interested parties.
- EVIDENCE:** Administrative record including material in Planning Department files PC95062 and PLN050001.
18. **FINDING: DRAFT REVISED EIR RECIRCULATED** – A portion of the Draft Revised EIR was further revised, and on February 15, 2006, it was recirculated to responsible agencies, trustee agencies, other departments and agencies, the public, and interested parties including the State Clearinghouse (SCH#1995083033) in accordance with CEQA. The comment period for this document was from February 15, 2006 to April 3, 2006. Comments on the Recirculated Draft Revised EIR were received from agencies and interested parties.
- EVIDENCE:** A Notice of Completion was received at the State Clearinghouse on February 15, 2006, along with copies of the Recirculated Draft Revised EIR, which were circulated to State agencies.
- EVIDENCE:** A Notice of Availability was published, mailed to interested parties and property owners within 300 feet of the project boundaries, and was posted on site.
- EVIDENCE:** Administrative record including material in Planning Department files PC95062 and PLN050001.
19. **FINDING: SUBDIVISION COMMITTEE HEARING** – On June 8, 2006, the Subdivision Committee held a duly noticed public hearing to review the technical aspects of the proposed project as well as the staff-recommended project alternative. Written and verbal public comment, staff and consultant input was received and considered. The Committee recommended the staff alternative to the Planning Commission by a vote of 4 to 1.

EVIDENCE: A Notice of Public Hearing was published, mailed to interested parties and property owners within 300 feet of the project boundaries, and was posted on site.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

20. **FINDING: FINAL REVISED EIR RELEASED** – On July 20, 2006, the Final Revised EIR was released to the public, which responded to significant environmental issues raised in the comments.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

21. **FINDING: PLANNING COMMISSION HEARINGS** – On July 26, August 9, and August 16, 2006, the Planning Commission held duly noticed public hearings to consider the Final Revised EIR and the development proposal. Written and verbal public comment, staff and consultant input was received and considered. The Planning Commission, by a vote of 6 to 2, recommended that the Board of Supervisors certify the Final Revised EIR, approve the staff-recommended alternative project, and adopt the Mitigation Monitoring and Reporting Program.

EVIDENCE: A Notice of Public Hearing was published, mailed to interested parties and property owners within 300 feet of the project boundaries, and was posted on site.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

22. **FINDING: RESPONSES TO COMMENTING PUBLIC AGENCIES AND BOARD OF SUPERVISORS HEARINGS ON FINAL REVISED EIR**– Pursuant to Public Resources Code § 21092.5, all public agencies commenting on the Draft Revised EIR and Recirculated Draft Revised EIR were mailed copies of the responses to their comments, to be received at least ten days prior to the County of Monterey Board of Supervisor's hearing on October 3, 2006. Duly noticed Board of Supervisor's hearings to certify the Final Revised EIR and consider related actions were held on October 3, 2006 and November 14, 2006, and public comment, staff and consultant input was received and considered.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

23. **FINDING: CULTURAL RESOURCES** – Senate Bill 18 (SB 18) requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places ("cultural places"). As of March 1, 2005, cities and counties are required to conduct consultations with these tribes prior to adopting or amending a General Plan or Specific Plan or prior to making decisions on projects that designate open space.

EVIDENCE: Although the September Ranch project is being considered following implementation of SB 18 on March 1, 2005, this project is not subject to the consultation provisions of SB 18 (Government Code § 65352.3):

- The project was deemed complete on June 16, 1995 and the Notice of Preparation for an EIR (NOP) was issued on August 4, 1998, prior to the implementation of SB 18.
- The project does not include a general plan amendment, but does include a designation of open space.

EVIDENCE: Based upon the moderate to high archaeological sensitivity of the project site, cultural resources may occur within the project area. Planning staff has consulted with local tribes in the course of the preparation of the 2006 General Plan Update. Conditions for the September Ranch project incorporate language in Mitigation Measure 4.10-1 based upon these consultations.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

24. **FINDING: WATER RIGHTS** – The County commissioned a water rights analysis and confirmed among other things that the riparian rights of the September Ranch project site have not been severed from the chain of title for the September Ranch property. The conclusions of the analysis are presented in the Revised EIR and elsewhere in the record. Based on record evidence regarding the hydrology of the September Ranch project site, the Board concludes that the water right of the September Ranch property is properly characterized as an overlying groundwater right, rather than a riparian right to water regulated pursuant to Water Code §1201. The Board also finds that the chain-of-title analysis contains sufficient information to support an overlying groundwater right. The Revised EIR and other documents in the record demonstrate to the satisfaction of the Board that the overlying water right for September Ranch may legally be exercised to serve the demand of the project as approved and conditioned, and that sufficient water resources are available to satisfy project demand given the relative seniority of the September Ranch water right in the hierarchy of water rights. In reaching this conclusion, the Board finds that the Revised EIR has appropriately accounted for senior riparian and pre-1914 water rights. Please see also Finding 32 herein. The Board also separately finds below that sufficient water supplies are available to meet the long-term demand of the project, even during extended drought periods, without negative impact to any other water supplies, regardless of the seniority of those supplies relative to the September Ranch project.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

25. **FINDING: ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT.** The Board concludes that the following environmental impacts are less than significant. In some instances, as set forth below and in the record, the Board has determined that it is appropriate and desirable to impose mitigation measures or conditions to address public concern, controversy or uncertainty, consistent with the Board's mandates to serve and protect the public interest and in furtherance of the spirit of CEQA. Each impact is summarized and some of the key factors affecting the significance conclusion are identified below; in each case, the nature and magnitude of the impact and the significance analysis and evidence in support thereof are further elaborated in the Revised EIR and in the record, and the Board expressly relies on the record as a whole in reaching the significance conclusions described herein.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and Final Revised EIR dated July 2006.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

- 25a. **Land Use and Planning, Land Use Compatibility (REIR, Chapter 4.1).** With respect to onsite compatibility, since the site is primarily undeveloped, the project will not result in significant land use impacts. The scale and density of the proposed residential units will be compatible with and complement the existing equestrian facilities. With respect to off-site compatibility, the record indicates that the project site is surrounded by existing and/or proposed residential land uses and the introduction of residential land use similar in nature, scale, and density is considered consistent with the pattern of land use in the project area. The project is consistent with CVMP policies regarding allowable density; nearly 88 percent of the site would be preserved as open space. The proposed density of 109 units plus the equestrian center is less than the maximum density allowed under the CVMP land use designation and slope density formula, and the selected 73/22 Alternative would have a lesser density than the proposed project. The Revised EIR analyzes consistency with applicable CVMP land use and residential land use policies, open space policies, and County zoning and inclusionary housing ordinances, as well as policies applicable to each environmental resource category. Based on the Revised EIR and the record as a whole, the Board finds that the proposed project would have a less than significant impact with respect to land use and planning.
- 25b. **Water Supply and Availability (REIR Chapter 4.3).** The subject of water supply and availability for the proposed project has been exhaustively and quantitatively analyzed during the Revised EIR process. The analysis is responsive to the issues identified by the Court of Appeal in *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, and the subsequent writ issued by the Superior Court. In part, the Revised EIR consultant team prepared a hydrological report to (a) assess the long-term water supply for the project; (b) prepare a water balance for the project; (c) assess the water rights for the September Ranch property; and (d) to determine the potential environmental impact of diversions for September Ranch on nearby water supplies.

- (i) **Baseline.** The water consumption baseline determination was an issue raised in the September Ranch litigation. The Revised EIR assumes that the environmental baseline for water usage is three (3) acre-feet per year (AFY). The three (3) AFY calculation is based on water usage for a single residence (.5AFY) and the amount of water applied for 50 horses (45 gallons per day/2.5 AFY). Although it is sometimes noted in the Revised EIR as factual context that current consumption on September Ranch is approximately 99 AFY due to existing equestrian uses and irrigation of the pasture, the Board finds that all water-related impact analyses and significance conclusions in the Revised EIR incorporate and rely on a baseline of 3 AFY.
- (ii). **Water Demand.** The water demand of the proposed project is estimated in the impact analysis to be 57.21 AFY based on use of 0.5 AFY per market rate unit and 0.231 per inclusionary unit, and an estimated system loss of 7%. The water demand of the selected Alternative is estimated at 54.39 AFY. Total housing demand for the selected Alternative, including landscaping, is 41.58 AFY with 3 AFY for the equestrian center, up to 3.12 AFY for system losses and up to 6.69 AFY for water treatment waste. Some comments questioned the water use assumptions of the Revised EIR. The Board finds that records from several subdivisions in unincorporated County confirms that these assumptions were in a reasonable range of accuracy, among them Cal-Am reports an average water use of about 220 gallons per day (0.25 AFY) for the Carmel Valley. Nevertheless, enforceable measures and conditions are imposed to restrict water use and thereby ensure that future water consumption is consistent with the Revised EIR analysis. Additional conditions address landscaping requirements and site use restrictions.
- (iii) **Treatment Water.** At the draft stages, the Revised EIR did not assess specific treatment methodology, as CEQA is generally not concerned with engineering/design particulars. Subsequent to release of the Recirculated Draft Revised EIR it was determined that, depending on the treatment method ultimately selected for implementation, treatment losses could range from 15% to 0% of total project use. These ranges are presented as part of the Final Revised EIR (*See, e.g.,* Appendix B to the Final Revised EIR). The Board has assessed whether this new information is significant, and finds that this information does not trigger the recirculation requirements of CEQA, 14 Cal. Code Regs. §15088.5, for at least the following reasons: (a) the Board is approving the 73/22 Alternative which may use less water than the proposed project; even at the maximum treatment loss of 15% total water use will be equal to or less than the quantity analyzed in the Revised EIR (*i.e.,* 57.21 AFY); (b) there are a range of feasible treatment options available that have treatment loss percentages that would allow implementation of the proposed project without exceeding 57.21 AFY; and (c) the project has been conditioned so that total water use cannot exceed 57.21 AFY. The County adopts a phased approach to water monitoring that includes metering, reporting, and a reserve of discretion to preclude approval of final maps and disallow additional build-out as water use approaches the adopted limited.
- (iv) **Impact Conclusions.** The quantitative water supply and availability analyses in

the Revised EIR were conservatively performed based on a total proposed project use of 57.21 AFY. The Board finds that the Revised EIR and the record demonstrate that the proposed project use of 57.21 AFY will not result in significant impacts to water supply and availability within the September Ranch Aquifer (SRA), the Carmel Valley Aquifer (CVA), or the Carmel River. The 73/22 Alternative described herein and selected for approval may further reduce the already less-than-significant potential impacts of the project with respect to water supply and availability by reducing the total number of units, and by changing the ratio of market rate to affordable units.

- (a) **The groundwater system is sufficient to provide the project water demand on a long-term average basis and during droughts; the project will not substantially degrade or deplete groundwater resources in the SRA or CVA or interfere with groundwater recharge; the project will not increase pumping or demand on the SRA or CVA so as to require persons who divert from the SRA or CVA to decrease water use or find substitute supplies in order to compensate for reduced water availability from the SRA or CVA.** Based on the analyses in the Revised EIR and other evidence in the record, the Board finds that the SRA has sufficient capacity to accommodate existing demand plus the project demand of 57.21 AFY on a long-term basis and during extended drought periods. The Revised EIR assesses the ability of the SRA to sustain existing plus project use against the historical record in both average and below average water years, with water years 1987-1991 identified as the relevant extended dry period in the historical record. The analysis accounts for existing water use in the SRA where such use was identified from public records or otherwise brought to the attention of the County/consultants.

In part, the potential for impacts to the CVA from project pumping depends on the nature and extent of connection between the groundwater supply in the SRA (which underlies the project site) and the groundwater supply in adjacent CVA, portions of which are hydrologically connected to the Carmel River. There is substantial scientific debate on the issue of whether the SRA constitutes the same pool of water as the CVA, or whether the SRA constitutes a distinct pool of water. The Revised EIR process has resulted in the most extensive examination of that question ever undertaken.

The Revised EIR addresses the important question of connectivity. However, it is critical to note that the Revised EIR also evaluates impacts to water supply and availability, and related biological resources, based on the very conservative assumption that project demand of 57.21 AFY would result in a reduction in recharge of 57.21 AFY to the CVA, and corresponding flow reductions in the Carmel River. Thus, the Revised EIR analysis is adequate even if there is full connectivity between the SRA and the CVA.

To address the important question of connectivity and to assess project impacts, Kennedy Jenks Consultants (KJC) was retained to evaluate the hydrogeology of the site and to determine whether or to what extent the CVA and SRA are connected. KJC undertook a water balance analysis that incorporated site-specific factual data where such data was available. After review, the Board concurs with the conclusions of the Kennedy Jenks analysis, and finds that the best conclusion is that the CVA and SRA are separate aquifers except for one area of "co-location" (that is, an area in which the aquifers are connected and share the same groundwater), which area of co-location is identified in the REIR. This connection however does not mean "total" hydraulic communication between the SRA and the remaining Subunit 3 of the CVA as explained below. At times when water does exchange between the two aquifers, the SRA can be said to "recharge" or "refill" that portion of the CVA that is outside of the collocated portion with some quantity of water. Thus, a net increase of water use from the SRA could theoretically result in reduced recharge to Subunit 3 of the CVA (and thus reduced flows in the Carmel River) under certain hydrologic conditions. The Board finds that the evidence further indicates that although it is likely that water sometimes flows from the SRA to the CVA, it does not necessarily always do so. Substantial geologic evidence indicates that hydrogeologic features of the aquifers create a "divide" that prevents groundwater from flowing from the SRA to the CVA. This divide affects the frequency with which pumping from the SRA may affect flow to the CVA. Under normal consumptive use conditions in typical water years and particularly in dry years, this divide affects the hydraulic communication between the SRA and CVA by limiting the amount of flow from the SRA to the CVA. The Board also finds that the potential for pumping in the SRA to affect the CVA is also limited by the fact that the aquifers have separate sources of recharge, and by the fact that both the CVA and SRA efficiently recharge even during extended drought periods.

The Board recognizes that some comments, including those submitted by the Monterey Peninsula Water Management District, question certain elements of the hydrologic analysis and the conclusions drawn from the analysis. The Final Revised EIR identifies and responds to these questions, acknowledges contrary evidence where it exists, and acknowledges that under all of the circumstances some uncertainty exists with respect to the conclusions of the hydrology analysis. In the face of this scientific uncertainty, after considering all of the evidence the Board finds that the Kennedy Jenks analysis and conclusions are appropriately based on facts, reasonable assumptions and inferences drawn from facts, and professional judgment, and after considering all information offered as contrary during the Revised EIR process, the Board chooses to rely on the conclusions reached by Kennedy Jenks, the Board's hydrology expert-team for this project.

As noted above, to address uncertainty and public concern, the Revised

EIR impact analysis for water supply and availability and related biological resources conservatively assumes that pumping in the SRA would result in a 100% reduction of water available to the CVA; in other words, the Revised EIR analysis was based on a reduction of 57.21 AFY in the CVA even though the evidence demonstrates that it is likely that the impact is substantially less, and perhaps zero, under certain hydrologic conditions. The Revised EIR analysis thus provides the Board with a "worst-case scenario" with respect to the water supply impacts of the project. The Board finds that given the record as a whole, the Revised EIR correctly concludes that the project will have less than significant impacts to water supply and availability, and to related biological resources, in the SRA, the CVA and the Carmel River. Imposition of the project elements, measures and conditions summarized below will further reduce these already less than significant impacts.

Given that there is sufficient capacity in the SRA to sustain existing use plus project demand, the Board finds that the issue of whether there would be impacts to neighboring wells within the SRA and vicinity as a result of project pumping will depend on the location of wells installed to serve the proposed project. Conditions have been imposed that require project wells to be constructed in hydrologically suitable locations and depths so as to avoid impacts to neighboring wells, and these conditions require relocation of project wells should such impacts occur. Although not relied on for the impact conclusions, it is noted that the historical record does not indicate there have been any impacts to neighboring wells as a result of existing pumping at the project site.

In assessing the potential for the project to impact water supply and availability in the CVA and Carmel River, the Revised EIR analyzed various factors including the potential for the project to impact water levels in wells in the CVA. The Revised EIR assumed that if water levels drop below acceptable levels in the perforation intervals in water wells, wells may dry up and require existing pumpers to look for alternative water supplies. Assuming a "worst-case scenario" of a reduction in recharge to the CVA of 57.21 AFY, the Revised EIR identified the resulting "worst case" drop in well levels in the CVA as 0.013 feet in the summer and 0.006 feet in the winter. Given an average well screen of water supply wells in the Carmel Valley of approximately 20 feet long and about 135 feet deep, the Board concurs with the Revised EIR conclusion that project pumping would not cause water levels to drop below pumping depth and thus would not significantly impact well levels in the Carmel Valley. This conclusion is further supported by the fact that the CVA and SRA lack of connectivity in certain hydrologic conditions, and by the fact that the aquifers have separate sources of recharge and both re-fill efficiently even during extended drought periods.

Finally, the Revised EIR analyzed a "worst case scenario" by assuming that 57.21 AFY of project pumping in the SRA would result in some

corresponding reduction in flow in the Carmel River. The maximum potential reduction is identified as 0.034 cubic feet per second (“cfs”) to 0.14 cfs depending on the year and month analyzed. Based on the record and after considering all of the evidence, including but not limited to the minimal changes in the water table of the SRA, the magnitude of flow reductions relative to Carmel River baseline flow conditions, the water supplies potentially affected, and substantial existing pumping between the project site and the River which attenuates the impacts of the project pumping, the Board finds that even the maximum potential reduction in River flow would not significantly impact Carmel River water supply and availability. The Board separately concludes in these findings that potential reduction in flow will not result in significant impacts to aquatic and riparian biological resources in the Carmel River.

See also Finding 29 below.

- (b) **The project will not increase pumping or demand on the SRA or CVA so as to impair the health of the CVA itself by permanently affecting the ability of the CVA to recharge.** The Board finds that project pumping will not significantly affect the ability of the CVA to recharge. Even with project pumping, the CVA and SRA will maintain similar water levels—that is, a near neutral gradient. The portions of the CVA outside of the collocated area recharges separately from the SRA, and refills efficiently even during extended drought periods; the REIR demonstrates that even the maximum potential reduction in recharge (*i.e.* project usage) from the SRA to the CVA will not significantly affect these functions.
- (c) **The project will not use water in a wasteful manner.** The project does not propose to use an excess amount of water relative to uses, and there is no indication that water will be wasted. The project water demand is comparable to typical water use in the region. The project has been conditioned to require conservation, to regulate landscaping and type of uses, and to impose an overall use cap to ensure that the total amount of water used remains within the parameters of the environmental analysis. Relevant Conditions of Approval include but are not limited to Conditions 33, 40, 41, 45, 46, 107, 108, 110-112, 120, 122-124, 146 and 148.
- (v) **Project Elements/Mitigations/Conditions.** The Board finds that the following project elements, mitigation measures and conditions shall be imposed and enforced to address public concern, to ensure consistency of project implementation with the parameters of the Revised EIR, to minimize uncertainty, and to further the spirit of CEQA by taking reasonable steps to reduce the already less-than-significant water supply impacts of the selected 73/22 Alternative.

Mitigation Measure 4.3-1. Water use on the property shall not exceed the analyzed water demand, which for the proposed project is 57.21 AFY. The applicant, per the water system operator, shall document annual water use and submit reports to the Water Resources Agency and the Resource Management

Agency—Planning Department on a quarterly basis.

Mitigation Measure 4.3-2. The location of wells for the September Ranch project shall be based upon the following criteria and performance standards: wells will be located based on pumping tests designed and executed to yield information on the radius of influence of potential multiple pumping wells; and, the project applicant will ensure that representative transmissivities for the three aquifer units are made available for informed decisions on placement of future wells to ensure new wells will not impact existing wells. The Resource Management Agency (RMA) retains discretion to require drilling of replacement wells if it is demonstrated, to the satisfaction of RMA and the Environmental Health Division, that the project wells result in impacts to an existing well in use as of the date of project approval. Prior to the issuance of permits for future groundwater wells, the County of Monterey shall review and approve well site plans to ensure that the insertion of new wells will not have an impact on existing wells.

Related Conditions of Approval include but are not limited to Conditions 33, 45, 46, 108, 111, 112, 120, 122-124, 146 and 147. Among other things, these conditions limit certain high water-demand onsite uses, regulate landscaping, and require conservation, metering and reporting. A condition has been added to prohibit non-project wells in response to concerns expressed by the Department of Fish and Game.

25c. **Wastewater Treatment and Disposal (REIR, Chapters 2.2 and 4.5).** The applicant initially proposed to build an on-site sewage treatment system and had set aside Parcel B as a potential location, but subsequently the Monterey County Environmental Health Services Division informed County staff that they were no longer supportive of new on-site treatment systems. The applicant accordingly initiated discussions with the Carmel Area Wastewater District (CAWD), and CAWD has indicated that it has sufficient capacity and would provide service to the subdivision. The Revised EIR addresses both an on-site and off-site option and, based the recommendation of Environmental Health and on CAWD's capacity information, the Board hereby determines that the off-site option is feasible, and that the off-site option appropriately eliminates any potential impacts associated with construction and operation of an on-site treatment facility. There is no evidence in the record that connection to CAWD would itself result in significant environmental impacts. Moreover, although not relied on for environmental analysis, the additional wastewater flows to CAWD may increase the potential for CAWD to provide environmentally beneficial flows to the Carmel River lagoon. The project has been conditioned to require connection to CAWD.

(i) **Wastewater Treatment and Disposal, Collection and Transmission of Project-Generated Wastewater to CAWD, (REIR, Chapter 4.5.2).** The project would include a system to convey effluent from individual residences via a force main which will discharge to the CAWD collection system. The onsite collection system will connect with the CAWD system, and wastewater will flow by gravity to the CAWD treatment plant. The pumped flows will depend on the design parameters of the onsite pumping station; it is anticipated that the peak

inflow rate of the pump station will be 75 gallons per minute. The Revised EIR demonstrates that there is adequate capacity in the CAWD collection, distribution and treatment systems to handle project flows, and that the systems are operating sufficiently below capacity that the project impacts will not be significant.

According to CAWD, the project may contribute to environmental benefits by providing additional flows that may be able to augment freshwater flow in the Carmel Valley lagoon.

(ii) **Wastewater Treatment and Disposal, Nitrate Loading (REIR, Chapter 4.5.2).**

The project will result in a less than significant additional nitrate loading- approximately 2.9% of allowable loading under the Carmel Valley Wastewater Study and 1.1% of allowable loading under Regional Water Quality Control Board criteria.

25d. **Air Quality, Long-Term Vehicle and Other Operational Emissions (REIR, Chapter 4.7-8).**

Among other things, the traffic study for the project identified the number of daily trips resulting from proposed project uses, and the Revised EIR identifies the estimated project emissions in pounds per day for pollutants ROG, CO, NO_x, PM-10 and SO_x from mobile and area sources. The Revised EIR demonstrates that emissions are well below the thresholds. Moreover, the proposed project will not cause intersection levels to substantially worsen at intersections that already operate at a degraded level of service. By reducing the number of overall units, the selected 73/22 Alternative will further reduce the already less-than-significant long-term emissions of the project. Based on the Revised EIR and the record as a whole, the Board finds that long-term vehicle and other operational emissions resulting from the proposed project will not constitute a significant air quality impact, and no mitigation is required.

25e. **Air Quality – Emission of Other Criteria Pollutants and Odor Generation (REIR, Chapter 4.7-8).**

The potential for these impacts is associated primarily with operation of an onsite wastewater facility and the equestrian center; as approved, the project will not include an onsite wastewater facility and there will be no change from the baseline condition that includes ongoing equestrian center operation. Based on the Revised EIR and the record as a whole, the Board finds that this impact is less than significant and no mitigation is required.

25f. **Noise, Short-Term Construction Related Noise (REIR, Chapter 4.8).**

Construction periods will be of short duration, and there are limited physical improvements planned for the site. The intensity of construction activities will be no more severe than historic heavy equipment operations on the project site, and there will be considerable setback from anticipated onsite construction and existing offsite residences. Topographical screening will reduce offsite impact potential. The primary sources of construction noise impact will likely occur when a new onsite residence is constructed adjacent to a complete and occupied home. The CVMP Policy 22.2.4.1 restricts noise generating construction activities to the hours of 8 AM and 5 PM Monday through Friday, where such noise would impact existing development. Project elements also include time restrictions in grading permits and time limits on construction activities involving operation of heavy equipment. Based on the Revised EIR and the record as a whole, the

Board finds that this impact is temporary and less than significant and no mitigation is required.

25g. Biological Resources – Threatened and Endangered Species (REIR, Chapter 4.9).

The finding below addresses only species listed as threatened or endangered; impacts to other categories of biological resources are addressed separately. Based on the Revised EIR and the record as a whole, the Board finds that the project as proposed will not impact any threatened or endangered species, and no mitigation is required. By reducing the overall number of units, the selected 73/22 Alternative will further reduce the potential for the project to affect biological resources in any category. These other categories of biological resources impact analyses, other than threatened and endangered species, are addressed separately in these findings.

- (i) **Smith's Blue Butterfly.** Although some scattered plants of dune buckwheat, a food source for the Smith's blue butterfly, were found within the developable portions of the project site and were mapped during the March 1995 survey, three years of surveys conducted over a 7-year period revealed no adults or larvae onsite. The Board finds that the project will not impact Smith's Blue Butterfly.
- (ii) **South/Central Coast steelhead.** Based on the Revised EIR and the record as a whole, the Board concludes that the area of the Carmel River potentially affected by the proposed project is the approximately the lowermost three miles of the Carmel River (downstream of River Mile ("RM") 3.6, which consist of a confined, sand-bottomed channel with essentially no steelhead rearing or spawning habitat. The biological value of the potentially affected reach for steelhead is primarily as a migration corridor (*i.e.*, for passage) from November through May.

The range of potential Carmel River flow reductions in dry (below normal precipitation) years is 0.022 to 0.033 cubic feet per second (cfs), and in normal precipitation years from 0.002 to 0.034 cfs. Downstream of RM 3.6 under baseline flow conditions, flows are typically high in the wintertime and then taper to zero flow in the summer months. During the wet season, the potential reduction of flow of up to 0.034 cfs in the Carmel River cannot be discerned because the river flows are so high. When the River is dry, the water table is below the channel bottom and the reduction of flow of up to 0.034 cfs also cannot be discerned in the River. The County's consulting biologists conclude that the potential flow reduction would not affect fish migration, would not reduce the number or restrict the range of steelhead in the Carmel River, or otherwise have any impact on steelhead in the Carmel River. This conclusion is based on 1) the location of the project and the habitat in the potentially affected reach of the Carmel River; 2) the timing of the potential impact relative to steelhead life-stage periodicity in the Carmel River and primarily in the potentially affected reach; and 3) the essentially imperceptible magnitude of the project's expected influence on flow in the reach. The Board concurs with these conclusions and finds that the project, under a worst-case scenario, may from time to time result in a very small reduction in Carmel River flow, and further finds that the evidence demonstrates that this unlikely, small, and infrequent flow reduction will not adversely impact

steelhead in the Carmel River.

See also Finding 29 below.

It should be noted that the Board does not conclude that the impact to either the River or water-dependent biological resources is less than significant because it is "de minimus." Rather, the impact to the River (*i.e.*, physical change in the River flow) is less than significant because the reduction, if it occurs, will not affect flow to the point where River functions such as, *e.g.*, providing a pathway for steelhead migration, would be in any impaired. Thus, it is expected that steelhead will go on much as before despite any flow reduction, without "noticing" any difference in their environment or their ability to engage in their essential functions. (Put another way, it is important to understand that a change in the amount of water available in a watercourse does not automatically translate into an adverse impact on fish or other aquatic resources.) Here, the fact that the water reduction is too small to be measured by the devices that measure River flow (which measurements assist in assessing River health and managing for fish health) is just one of several factors identified that support the conclusion that while there may (or may not) be a reduction in River flow, there is no impact to steelhead or other aquatic biological resources.

Some comments suggested that the impact to steelhead and similar resources should be considered significant because at present, there are periods of time in which flow in the River is zero. Under CEQA, the Board is entitled to assume zero flow as baseline. In this regard, it is noted that the Revised EIR evaluates whether project pumping would affect riparian vegetation above or below ground, and based on that analysis the Board finds that even the maximum potential impact to riparian vegetation is less than significant.

- (iii) **Red legged frog.** The red-legged frog is known to occur in the Carmel River area, but based on development between the Carmel River and September Ranch, no suitable movement corridors occur between the River and project site. Moreover, no suitable breeding habitat occurs onsite. In addition, the impact analysis applicable to steelhead would also apply to the red-legged frog if the frog was present in the project area. The Board concludes that the project will not impact the red-legged frog.
- (iv) **Monterey Spineflower.** The Monterey spineflower was not observed on the project site during any surveys, including focused surveys conducted in 2005 by Zander Associates during optimum blooming period. The Board finds the project will not impact the Monterey spineflower.
- (v) **Yadon's piperia.** Yadon's piperia was not observed during surveys and is not expected to occur on site based on habitat characteristics. Surveys in May 2005 indicated a different species of piperia (Michael's), but not the listed species. The Board finds the project will not impact Yadon's piperia.

25h. No Impact To Historic Resources. The Board finds that the project does not propose

any changes to, and will not otherwise impact, any historic resources including the potentially historic existing equestrian facility/barn and accordingly no further CEQA analysis or mitigation is required with respect to these resources. The existing equestrian facility/barn and residential unit will remain on the property; the proposed project does not propose to modify these structures, and will not otherwise cause any adverse physical change to these structures or any significant impacts to their setting.

To facilitate zoning changes and to address community concern, the Board finds that it is appropriate to condition the project to ensure appropriate protection of these facilities. The requirements and timing of this condition is set forth in Condition 104. Among other things, if the structures are determined to be historically significant for purposes of zoning changes, a deed restriction shall be placed on Parcel E (Old Lot 101) stating: "The structures on this parcel are of historical significance. Any future changes to these resources shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties in order to avoid substantial adverse change to these resources. A substantial adverse change is defined as demolition, destruction, relocation or alteration such that the significance of the resource would be impaired."

- 25i. **Aesthetics: Alteration of Existing Visual Character or Quality (REIR, Chapter 4.11)**. A variety of methods were used to assess the visual character and quality of the site, including photographs, a visual field survey of the site and adjacent areas, staking and flagging of lot sites, and taking into consideration topography and elevations in relation to public vantage points and transportation routes. The views analyzed in preparing the Revised EIR were from public viewing points, most particularly Carmel Valley Road. The project will be visible from certain vantage points in neighboring subdivisions on the East, West and South, but much will be screened by existing vegetation. Private golf courses and homes are not considered protected views. The northern portion of the project site is adjacent to Jack's Peak Regional Park and some development may be visible from this southern portion of the park. County staff conducted a field visit with a representative of the Monterey Peninsula Recreation and Parks District; it appears as if September Ranch could be visible from the newly created Palo Corona Park; however, there is a huge expanse within the Valley and Coast that is visible from the Park especially at high elevations. The siting of the lots as well as the significant amount of land dedicated as open space addresses overall visual quality of the site with respect to views from off-site. In the selected 73/22 Alternative, the inclusionary housing has been located so as to minimize visual impacts. Based on the Revised EIR and the record as a whole, the Board concludes that the aesthetic impact is not adverse and no mitigation is required. Nonetheless, to address public comment, the Board finds it is appropriate to adopt a condition of approval that precludes ridgeline development, as well as other conditions and mitigation measures that will address visual changes that are the subject of public comment or concern. Among these, although the Board concludes that the project would not adversely alter the view from Jack's Peak Regional Park, to address public concern regarding the proximity of development to Jack's Peak Regional Park, the Board directs that Lot 68, which for the selected 73/22 Alternative is the northernmost lot closest to Jack's Peak Regional Park, be moved away from the Park. Lot 68 shall be moved to a location on the western side of the property, which location has already been studied in the Revised EIR process as part of the proposed project.

Mitigation Measure 4.11-1. Prior to the issuance of a grading permit, the applicant shall submit a Final Map, which will be subject to review and approval by the Resources Management Agency. Envelopes will be established on each proposed lot to define the building area that result in minimal grading and protect the public viewshed by avoiding ridgeline development and preserving existing screening vegetation. Home sites in building envelopes on the bluffs overlooking Carmel Valley Road shall be limited in building height, as needed, to reduce visibility and screen buildings from Carmel Valley Road. The applicant is required to submit a final map with building envelopes; to incorporate design guidelines into the CC&Rs; to dedicate open space easement(s); to include applicable requirements as a note on an additional sheet of the final map; and to submit a landscape and lighting plan subject to review and approval by the Resource Management Agency.

Mitigation Measure 4.11-2. Prior to issuance of a grading permit, the applicant shall submit design guidelines and landscaping plan subject to review and approval of the Monterey County Planning Department. The plan shall utilize a rural-agricultural architectural theme for the proposed development, break up building mass of the units closest to Carmel Valley Road, and implement landscaping materials compatible with the surrounding area. Landscaping shall incorporate mature trees in the area nearest to Carmel Valley Road.

Mitigation Measure 4.11-3. Prior to issuance of a building permit, the project applicant shall dedicate open space easements as shown on the Preliminary Project Review Map through dedication of a conservation and scenic easement or other suitable method to insure its long-term protection.

25j. Population, Housing and Employment (REIR, Chapter 4.12).

- (i) **Population Generation.** The State Department of Finance indicates that the average household size for the project area is 3.177 persons per household, resulting in an additional 350 persons within the project area. Due to phasing of construction, this change would occur over time. The Carmel Valley is anticipated to experience an 11 percent growth increase between planning years 2000 and 2020, which is equal to a population increase of approximately 2,000 persons. The project is consistent with the CVMP and zoning ordinance designations for the site; thus, the population growth resulting from implementation of the project is accommodated within current population forecasts, and thus there would be no significant population impacts. By reducing the number of units, the selected 73/22 Alternative further reduces the already less-than-significant population impacts of the project.
- (ii) **Development of Residential Units.** The project would not displace existing housing. The project would provide additional housing opportunities in the Carmel Valley. Housing development within the project area is governed by the CVMP. The CVMP establishes a 20-year total of 1,310 existing and newly created lots. These include 572 existing lots of record as of December 9, 1986 and 738 new lots to be created subject to an allocation and subdivision evaluation system. The CVMP provides for a phasing system tied to the land subdivision

process in which development will be subject to an allocation system. The average annual rate of allocation is limited to 37 lots (738 lots/20 years). Subdivisions may be approved for up to the maximum number of lots for the lifetime of the tentative map. As a general policy, no more than 25 lots per year may be created in any subdivision, although the Board may in its discretion approve additional units per subdivision. Lots or condominium units created and designated for low and moderate income individuals are exempt from the annual allocation system, but will be subtracted from the 20-year quota. The project will be phased over several years to meet the development criteria set forth in the CVMP.

Monterey County has traditionally had a relatively small base of high-paying jobs and, in comparison, the project area's median household income is 26 percent greater than the County as a whole. County-wide, of those persons with a mortgage, 53.9 percent spend 25 percent or more of their income toward monthly owner costs, whereas within the project area 23 percent spend 25 percent or more of their income on monthly owner costs. When 25 percent or more of an individual or family's gross income is allocated toward housing, it is considered overpayment. Thus the project's provision of inclusionary housing will assist in lessening the burden County-wide. The selected 73/22 Alternative will increase this benefit by increasing the total affordable housing units.

- (iii) **Employment.** The project would result in the creation of jobs both during the short-term construction and the long-term operational phase of the project.

25k. **Public Services and Utilities (REIR, Ch. 4.13).** Based on the Revised EIR and the record as a whole, the Board finds that the proposed project will not significantly impact public services or utilities, and no mitigation is required. By reducing the number of overall units, the selected 73/22 Alternative will further reduce the already less-than-significant impact.

- (i) **Increased Demand for Fire/Emergency Medical Services.** The project will pay annexation fees to the Carmel Valley Fire Protection District and therefore ensure capacity to serve the project.
- (ii) **Increased Demand for Sheriff Services.** The County assesses fees to offset the service costs associated with project development, and the project will include design features such as lighting levels and placement that facilitate patrol performance and residential security; consistent and visible housing numbers and street guides; deadbolts on glass doors and other lock specifications; and registry of alarm systems.
- (iii) **Increased Demand for School Services.** To accommodate an increase in demand for school services, the project has complied with the Government Code § 65965(3)(h).
- (iv) **Increased Solid Waste Generation.** The proposed project will generate approximately .40 tons of solid waste per day, which is characterized by the

Monterey Regional Waste Management District as negligible and within the capacity of the landfill over its lifespan. Although the project has negligible impacts, to ensure compliance with applicable waste management laws, the Board finds that it is appropriate to impose the mitigation measure below.

Mitigation Measure 4.13.4-1. The proposed project shall participate in curbside collection of bottles, cans, paper, and yard waste. The applicant shall provide verification to the County of Monterey Planning Department that a licensed recyclables hauler has been contracted to service the project area.

- (v) **Increased Demand for Electrical and Natural Gas Services.** As proposed, the project requires approximately 54.10 to 261.60 therms per day of natural gas and 2,038.30 to 3,237.30 kilowatts per hour per day of electricity depending on season. PG&E verified that there is sufficient capacity to serve the proposed project without significant impact.
- (vi) **Increased Demand for Phone Services.** SBC verified that the proposed project will not result in a negative impact to existing services or the future ability to provide services to the project area.

251. Cumulative Impacts. As described in the Revised EIR and record, the development proposed by this project and associated impacts are within the range of those anticipated under documents incorporated by reference in the Revised EIR, including documents incorporated by reference therein and made available to the public at the offices of the County Planning Department, including among others the County of Monterey General Plan and EIR (September 1982) and Carmel Valley Master Plan and EIR (1996) including the Carmel Valley Master Plan allocation system, and those documents have adequately addressed cumulative impacts. No comments received on this project have provided any material contrary information in this regard. In the categories of land use, geology and soils, hydrology and water quality, wastewater treatment and disposal, air quality, noise, cultural resources, aesthetics, population, housing and employment, public services and utilities, and water supply/availability, based on the Revised EIR and the record as a whole, the Board finds that project impacts when combined with the impacts of other projects will not result in cumulatively considerable impacts, and no mitigation is required. To the extent that comments were received regarding cumulative impacts, they focused on biological resources (Monterey pines, Carmel River steelhead), water impacts related to biological resources, and traffic, and accordingly the Revised EIR focuses on these resource categories, and the Board addresses them separately below. Potential cumulative impacts to water supplies and water-related biological resources are concluded to be less than significant. Although these impacts are determined to be less than significant and no mitigation is required, to address public concern and uncertainty, the Board has determined to impose rigorous mitigation measures and project conditions that will further reduce the contribution of the project to cumulative impacts. Cumulative traffic impacts and feasible mitigation are addressed separately in these findings.

- (i) **Monterey pine forest habitat.** The project will be required to dedicate lost acreage of Monterey pines at a 3:1 ratio, and replace lost trees at a 1:1 ratio with a 100% survival rate, with the County reserving discretion to preclude build-out if

this performance standard is not met. Thus the project is not anticipated to result in a net loss of individual Monterey pine trees; however, to address public concern over cumulative impacts of development to Monterey pine forest, it is determined appropriate to conduct a cumulative analysis.

Information for cumulative analysis is taken from two primary sources: the County's consulting biologist, Wildlife Research Associates, and information received from respected local forester and consultant Steven R. Staub of Staub Forestry & Environmental Consulting, which was independently reviewed by the County and its consultants. The impact conclusions are based on careful consideration of all relevant information in the record.

Under the circumstances of the project, the Board finds that it would not be meaningful for the cumulative impact assessment to add up individual tree loss estimates from project to project across the County, regardless of distance between project sites or relative value of the habitat. The record indicates that the value of Monterey pine forest is largely viewed on a habitat/acreage basis, with value being placed on the loss of contiguous acreage of forested land. The loss of individual trees does not properly account for the primary cumulative impacts of concern, *i.e.*, fragmentation and related impacts such as edge effects. Moreover, because methods for assessing tree loss vary from project to project, comparison of estimates of tree loss is inherently unreliable. The Board finds that the appropriate area for cumulative assessment is the remaining blocks of intact Monterey pine forest contiguous with the ridges adjacent to Jack's Peak Regional Park and the project site, which study area is appropriate given that public comments expressed the most material concern over issues related to fragmentation.

The study area for cumulative assessment consists of seven contiguous and relatively large ownerships over approximately 3,758 acres. Monterey pine forest occurs on approximately 3042.5 acres or on over 80% of the land in the study area. Dedicated/set aside open space with Monterey pine forest occurs on 3 of the 7 ownerships adjacent to Jack's Peak Regional Park, for a total of about 460.5 acres. At least 266 acres of the 796.3 forested acres on Pebble Beach Company holdings at Aguajito are committed to open space and, when added to the 826 acres of Monterey Pine forest within public open space at Jack's Peak Regional Park, the existing and proposed dedicated acreage totals about 1,552.5 acres or about 50% of the pine habitat in the study area.

As noted, the proposed project would result in direct impacts to approximately 34.9 acres of the 426 acres of Monterey pine/coast live oak forest on the project site, representing approximately 1% loss of Monterey pine forest habitat in the cumulative study area. The record indicates that there are no reasonably foreseeable projects in the study area. As noted in the Revised EIR, the County's consultant concluded that the project will not result in fragmentation of the pine forest within the study area and will not cause adverse edge effects. Based on the foregoing and all the evidence in the record, the Board finds that the incremental impact, when compared with the extent and location of existing blocks of pine

forest within the study area and when considering the potential for future projects within the study area, will not be cumulatively considerable. Moreover, although the EIR concludes, and the Board finds, that the project does not result in fragmentation, to address public concern regarding development adjacent to Jack's Peak Regional Park, the Board further directs that the lot closest to Jack's Peak Regional Park, Lot 68 of the 73/22 Alternative, be moved away from the Park, thereby preserving additional contiguous pine forest.

- (ii) **Steelhead and other Carmel River aquatic/riparian resources.** Although there is a potential under a worst case scenario for some small reduction in Carmel River flow under the proposed project, as addressed in the Revised EIR and these findings, this reduction (estimated at a maximum reduction of 0.034 cfs or, even less frequently, up to 0.14 cfs during dry periods) does not translate into impacts to Carmel River resources—of special concern, this reduction does not affect the primary value of the potentially affected reach of the River (downstream of River Mile 3.6) for steelhead passage from November through May. Because there are no direct impacts, a cumulative impacts analysis was not required. However, in the interest of full disclosure and to address public concern the Revised EIR nonetheless presented a detailed and quantitative cumulative analysis for Carmel River aquatic and riparian resources. That analysis is presented in Section 5.0 of the Revised EIR and in Technical Memos 6 and 7, further updated in the Final Revised EIR and errata.

The cumulative analysis identifies all reasonably foreseeable projects with net increases in water use, and adds to the water use anticipated under these projects to the proposed project water use. Based on this analysis and the record as a whole, the Board finds that the cumulative (including project) reduction in Carmel River flow would not adversely affect the key value of River habitat below RM 3.6 as a migratory corridor from November through May. The selected 73/22 Alternative may further reduce the potential for impacts, direct and cumulative. See also Finding 29b below.

The Board notes that it is imposing measures and conditions that will ensure careful use of water resources, and will ensure that the project will not use water beyond the quantities of water evaluated in the Revised EIR. Policies applicable to most future development under the Carmel Valley Master Plan require such development to identify a net reduction in water use which, along with other factors in the record, further reduces the potential for cumulative impacts.

- (iii) **Water Supply and Availability.** As described above, the Revised EIR process assessed cumulative impacts to water supply and availability and identified a worst-case scenario of maximum potential reduction in the Carmel River from the proposed project, plus demand from reasonably foreseeable projects with a net increase in water use. Based on the cumulative (including project) demand, the Revised EIR also assessed potential water level adjustments in the CVA and concluded that the foreseeable reductions, if they occurred, will be barely measurable in a well. Based on the Revised EIR and the record, including but not limited to the Hydrogeologic Report (Appendix C to Recirculated Draft Revised

EIR), Technical Memo 6 (Recirculated Draft Revised EIR and Final REIR) and Technical Memo 7, and the factors identified therein, the Board finds that the cumulative reduction in Carmel River water supplies and availability is less than significant. See also Finding 29b below.

- 25m. **No Growth Inducement (REIR, Chapter 7.0).** The Board finds that the project will not induce growth, remove an obstacle to growth or set a precedent that will encourage growth. Some comments assert that approval of the proposed project would set a precedent that would encourage growth because it would encourage other landowners with riparian or overlying groundwater rights within the County's land use jurisdiction to subdivide their properties and rely on groundwater as a source of water for the subdivision. The Board finds no evidence in the record identifying, and no comment identifies, any specific properties or potential developments on which it is reasonably foreseeable that the September Ranch model would be relied on as precedent. In this regard, projects may be considered to set "precedential policy" only when the projects involve changing the policies or plans of the lead agency in a manner that would make it reasonably foreseeable that the changes would serve as the causal impetus for approval of other projects. However, in approving this project the Board is not adopting a "policy" or taking action that would set "precedent" for any other subdivision of property. The approval of the project does not create a new precedent with respect to water use, but simply conforms to existing law. The applicant would not be the first, or even nearly the first, to rely on a property-based water right to serve newly-subdivided properties by means of a mutual water company; as the record and County files reflect, reliance on an overlying right or a "riparian" groundwater right to serve newly-subdivided properties by means of a mutual water company or similar entity is a common occurrence within the County. To the extent that the September Ranch property extends to areas that do not entirely directly sit on top basin identified as the SRA, California law already provides that groundwater may be used in these areas either as part of the parcel's overlying right, or under an appropriative groundwater right. The September Ranch project does not set a precedent in that regard.

It is noted that within the Carmel Valley, the September Ranch property and the SRA appear to be uniquely situated; the Board is not aware that there is any other property in the County that overlies a mostly confined and separately-recharged aquifer.

26. **FINDING: POTENTIALLY SIGNIFICANT IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**— The Board finds that the Revised EIR identifies all of the potentially significant environmental impacts of the proposed project and identifies feasible mitigation measures that reduce each of the potentially significant environmental impacts to a level of "less than significant." These impacts and mitigation measures, and related conditions are set forth in summary below; although not all relevant conditions or monitoring actions are specifically set forth in the text of these findings, all of this information is attached in full as Exhibit B-1. In some instances, the substance of a condition may overlap with and/or serve to clarify a mitigation measure identified in the Revised EIR. Because these findings summarize conditions and mitigations rather than set them forth in full, where differences exist between the summaries in

these findings and Exhibit B-1, Exhibit B-1 controls.

The Board further finds that none of the conditions listed in 14 Cal. Code Regs. §15065(a) will occur as a result of the project.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006, and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

- 26a. **Geology and Soils: Surface Rupture and Seismic Shaking (Geological Impact 1, REIR Chapter 4.2).** A probable active trace of the Hatton Canyon fault traverses the southwest portion of the proposed project site; for the proposed project, Lots 65, 66, 68 and the equestrian center are situated in the vicinity of the probable fault trace. The lots were renumbered for the selected 73/22 Alternative; for the selected 73/22 Alternative, these lots include affordable lots 15-18 (old lot 65), lot 41 (old lot 66), lot 43 (old lot 68), and lot 59 (old lot 86). Lot 85 is now open space. Although subsurface investigations along the fault did not encounter any evidence of recent surface displacement or movement along the subsurface extension of the fault, other data indicates that some of the recorded seismic activity in the area may be the result of movement along the subsurface extension of the fault. If the project is constructed, surface rupture and seismic shaking from the Hatton Canyon fault or other faults could expose people or structures to seismic hazards.

As described in the mitigation measures and project conditions summarized below, the County will require preparation of a geotechnical investigation (geologic report) for each proposed building site to characterize soil and bedrock conditions so that suitable seismic foundation design can be provided. The geologic report shall employ standard engineering practices to ensure adequate foundations and design standards for the building sites, and shall ensure that a 50-foot setback from the southern mapped trace of the Hatton Canyon Fault for each residence is incorporated into the design. The applicant shall submit written evidence that all site work within the identified easement will be inspected and tested during construction by a qualified engineering geologist. With the following mitigation measures, based the Revised EIR and on the record as a whole, the Board finds that this impact has been reduced to less than significant.

Mitigation Measure 4.2-1: There shall be a 50-foot setback for residential dwellings on either side of the southern mapped trace of the Hatton Canyon fault. An easement shall be shown on the final map precluding residential development within the 50-foot setback area, as identified in the geologic investigation. The easement shall be designated as a fault hazard area. If fault traces are found, building envelopes shall be adjusted sufficient to establish a 50-foot setback for residential dwellings on each side of any fault trace.

Mitigation Measures 4.2-2: Underground utilities which cross the fault trace shall be fitted with flexible couplings and shut off valves.

Mitigation Measure 4.2-3: Prior to the construction on inclusionary lots 15-18 and

market-rate lots 41 and 43, the project engineering geologist shall confirm that no fault traces cross the proposed building sites. Building envelopes shall be adjusted to exclude development within 50 feet of the fault trace.

Mitigation Measure 4.2-4: Proposed structures shall incorporate design in accordance with the latest Uniform Building Code and the appropriate seismic design criteria. A geotechnical investigation shall be prepared for each proposed building site to characterize soil and bedrock conditions so that suitable seismic foundation designs can be provided. The geologic investigation shall employ standard engineering practices to ensure adequate foundations and design standards for the building sites.

- 26b. **Geology and Soils: Slope Stability, Debris Flow and Soil Creep (Geological Impact 2, REIR Chapter 4.2).** There is a low potential for slope stability problems in most of the project area. The existing landslide areas appear to be stable and, with appropriate design/mitigation as identified in the Revised EIR and these findings, are not anticipated to significantly impact the proposed residential lots. Construction of roadways, residential lots, and associated drainage systems would divert surface waters and reduce the amount of water infiltration into the slide; to this extent, a properly designed development may increase the stability of landslides. The following mitigation measures ensure proper design by imposing standards for slope ratios (inclinations) in different soil and ground types, and ensuring appropriate technical review and approval of final design standards.

Among other things, the project has been conditioned to require that concurrent with the filing of the final map, the owner/applicant shall record a deed restriction stating the following: "The proposed residential sites on Lot 26 and 55-60, inclusive, are located on or near mapped landslides. Development on these lots shall conform to the mitigation measures in the December 2004 September Ranch Revised EIR or subsequent geological or geotechnical investigations." Based on the Revised EIR and the record as a whole, the Board finds that with these measures, this impact has been mitigated to less than significant.

Mitigation Measure 4.2-5. Earthwork and grading shall be kept to a minimum within the landslide deposits; any work performed within these areas shall be performed under the supervision of a qualified engineering geologist.

Mitigation Measure 4.2-6. Cut slopes in competent bedrock shall be constructed at slope inclinations no steeper than 0.5:1 to heights up to 15 feet, and should be approved by the project engineering geologist before grading.

Mitigation Measure 4.2-7. Proposed cut slopes steeper than 0.5:1 or exceeding a height of about 15 feet may be allowed upon the approval by the project engineering geologist or geotechnical engineer.

Mitigation Measure 4.2-8. Cut slopes within severely weathered rock that is susceptible to bedrock creep, or in areas of adverse bedding dip shall employ flatter slopes, typically 2:1 or less.

Mitigation Measure 4.2-9. Structures located within old landslide deposits shall be constructed at or very near the natural grade to reduce cut slopes. Limited cut slopes can be created for access roadways and shall be constructed on slopes no greater than 2:1 and shall not exceed heights of 15 feet. Cut slopes shall be approved by the project engineering geologist or a geotechnical engineer before grading.

Mitigation Measure 4.2-10. Cut slopes in colluvium, alluvium, or topsoil shall be constructed at a slope inclination not steeper than 2:1. All cut slopes shall be provided with permanent protection against erosion.

Mitigation Measure 4.2-11. Compacted fill slopes shall be constructed at a slope inclination not steeper than 2:1. All fill slopes shall be provided with permanent protection against erosion.

Mitigation Measure 4.2-12. Control cut and fill earthwork that may destabilize the land surface; vegetation removal; and control surface water infiltration.

Mitigation Measure 4.2-13. Residential lots located upslope of or adjacent to old landslide deposits shall have drainage systems that divert concentrated surface waters from the slide masses.

Mitigation Measure 4.2-14. Landscape irrigation systems shall be kept to a minimum (Monterey County standards) on lots shown in landslide deposits. Construction on ancient landslide deposits shall be appropriately designed to result in overall improvement to the existing drainage conditions within the landslide areas. Unlined ponds on or adjacent to the slide mass shall be avoided.

Mitigation Measure 4.2-15. Subsequent design-level geotechnical investigations shall be performed at the appropriate time following preparation of definitive grading plans and during design of specific structures. In addition, subsequent geologic investigations shall be performed before construction on construction on inclusionary lots 15-18 and market-rate lots 41 and 43. Subsequent subsurface exploration shall be conducted before the final map approval to further characterize the possible mapped landslide in the vicinity of identified lots.

- 26c. **Geology and Soils: Erosion, Sedimentation and Groundwater (Geological Impact 3, REIR, Chapter 4.2).** Erosion if it occurs would most likely occur along fill slopes and cut slopes. These surfaces would be protected to keep erosion and subsequent sedimentation at acceptable levels. Roads are the only improvements anticipated to be impacted by sedimentation. Groundwater at the project site is confined to alluvial materials and has low potential to affect the majority of the development. The effects of erosion and sedimentation may be mitigated by vegetative cover and properly designed surface drainage features. Competent bedrock exposed in both natural slopes and cut slopes will be less susceptible to erosion and, therefore, may not need a protective slope cover. Many of these slopes tend to be covered by rocky rubble, which works its way down slope over many years. Based on the Revised EIR and the record as a whole, the Board finds that with the following mitigation measures, this impact has been mitigated to less than significant.

Mitigation Measure 4.2-16. Proper surface drainage systems shall be designed to direct concentrated water runoff away from the tops of these slopes.

Mitigation Measure 4.2-17. Shallow ground water conditions shall be considered in the design of roadways, utilities, and structures in these areas.

Mitigation Measure 4.2-18. Drainage control shall include provisions for positive gradients so that surface runoff is not permitted to pond, either above slopes or adjacent to building foundations. Surface runoff and runoff from roof gutters shall be collected in lined ditches, closed pipes, cisterns or drainage swales and shall be conducted adequately to a storm drain, paved roadway, or water course.

- 26d. **Hydrology and Water Quality, Stormwater Runoff and Drainage (Hydrology and Water Quality Impact 1, REIR, Chapter 4.4).** Implementation of the proposed project would result in conversion of relatively undeveloped areas of the September Ranch site to residential uses. This transition of land use would result in previously pervious land being covered with impervious surfaces and thus modify the timing of runoff. Based on the Revised EIR and the record as a whole, the Board finds that with the following mitigation measures, this impact has been mitigated to less than significant.

Mitigation Measure 4.4-1: Prior to the filing of the final map the applicant shall submit a drainage report and drainage plan for review and approval by the Director of Public Works Department and the General Manager of the Water Resources Agency. The report is to include and show all tributary areas and information pertinent to the drainage in the area. Proposed detention basin capacities shall be sized to accommodate the difference between the 100-year post-development runoff and the 10-year pre-development runoff while limiting discharge to the 10-year predevelopment runoff rate. If runoff from individual lots cannot be directed to a detention basin, on-site retention or detention facilities shall be constructed in accordance with the requirements of the Water Resources Agency.

- 26e. **Hydrology and Water Quality, Short-term Water Quality Construction Impacts (Hydrology and Water Quality Impact 2, REIR, Chapter 4.4).** During grading and construction there would be the potential for surface water runoff to carry sediment and small quantities of pollutants (e.g., fertilizers, petroleum hydrocarbons, heavy metals) into the storm water system and thus degrade water quality. Storm water runoff would be transmitted via the storm drain system to the Carmel River and ultimately Monterey Bay. Based on the Revised EIR and the record as a whole, the Board finds that with the following mitigation measures, this impact has been mitigated to less than significant.

Mitigation Measure 4.4-2: The project applicant shall prepare a drainage plan, which includes the proper design and placement of sediment traps to preclude the discharge of sediments and pollutants into offsite drainage channels. In order to mitigate adverse water quality impacts that could be generated by the proposed project after construction, potential BMPs for storm water runoff quality control should be incorporated into project design. These could include such measures as vegetated buffer strips, use of porous pavement, "grass-phalt," cisterns of storm water storage, street sweeping, percolation basins and grease/oil traps (with regular maintenance programs).

Good housekeeping, waste containment, minimization of disturbed areas, stabilization of disturbed areas, the protection of slopes and channels, the control of the site perimeter, and the control of internal erosion are the objectives of the BMPs. The BMPs include limiting soil exposure through scheduling and preserving existing vegetation; stabilizing soils through seeding, planting, and mulching; diverting runoff through earth diking, temporary drains, swales, and slope drainage; reducing velocity through outlet protection, checking dams, slope roughening/terracing; trapping and filtering sediment through silt fencing, straw bale barriers, sand bag barriers, brush and rock filters, storm drain inlet protection, and sediment basins. Specific and extensive BMP measures, such as those identified below, should be contained in the Final Erosion Control Report, which shall be submitted as a condition of the Final Map.

- Temporary erosion and sedimentation control features shall be maintained until revegetation is sufficient to prevent erosion of disturbed construction and restoration sites. Sufficiency of revegetation shall be determined by the project's conservation manager and certified erosion and sedimentation control specialists.
- Periodic pre-storm, storm, and post-storm monitoring inspections of BMP measures shall be conducted from the duration of construction phases and until temporary protection features have been removed.
- Daily inspections shall be conducted during grading construction to assure condition and adequacy of erosion and sedimentation control features.
- Daily repairs of damaged erosion and sedimentation control features (e.g., downed silt fencing, broken straw bales, damaged sandbags) shall be completed.

26f. **Hydrology and Water Quality, Long Term Water Quality Operational Impacts (Hydrology and Water Quality Impact 3, REIR, Chapter 4.4).** Implementation of the proposed project would result in generation of storm water runoff within the project site, which transports dust, automobile residuals, and organic matter. Typically, a significant amount of runoff occurs during the first rainfall event of each year. Best Management Practices that are focused on reducing the volume of runoff contaminants are the most effective means of reducing water quality impacts. As part of the mitigation for post-runoff impacts addressed in the Surface Water Pollution Prevention Plan, individual components of the project would implement regular maintenance activities (damp sweeping, cleaning storm water inlets, controlling litter, etc.) at the site to prevent soil, grease, and litter from accumulating. Measures such as storm drain filters, oil/water filters, fossil filters, or vegetative swales will be used to limit contamination of runoff. Based on the Revised EIR and the record as a whole, the Board finds that with the following mitigation measures, this impact has been mitigated to less than significant.

Mitigation Measure 4.4-3: The applicant shall prepare CC&Rs, which include requirements for the type and frequency of catch basin, sediment trap, and storm water inlet cleaning and maintenance. The storm drainage system shall be maintained on a regular basis to remove pollutants, reduce high pollutant concentrations during the first flush of storms, prevent clogging of the down stream conveyance system, and maintain the catch basins sediment trapping capacity. The homeowner's association, or some

other similar responsible entity, shall provide for at least an annual inspection regimen and immediately repair or clean the system, as needed.

- 26g. **Transportation and Circulation: Increase in Vehicle Trip Generation and Level of Service Deficiencies (REIR, Chapter 4.6)**. There are currently several site access points on the property. The proposed project will reduce these to one access point consistent with Carmel Valley Master Plan Policy 39.2.5.1. Emergency ingress and egress will be provided at the equestrian center driveway and to Jack's Peak Regional Park on existing ranch roads, consistent with Carmel Valley Fire Protection District requirements.

A Traffic Impact Analysis was performed in October 2004 by the County's consultant TJKM Consultants. The analysis evaluated Carmel Valley Road, Los Laureles Grade, State Route 1 and Carmel Rancho Boulevard as well as nine (9) intersections in the project study area. The proposed project will result in an increase in traffic generation within the project area of approximately 1,053 daily vehicle trips; 83 of these will occur during the AM peak hour and 111 will occur during the PM peak hour. The additional vehicle trips generated by the project would result in an increase in congestion on project area roadways, which will lead to LOS deficiencies at some of the project intersections identified in the Revised EIR. Four of the nine intersections are expected to operate at acceptable levels of service. Five intersections would operate at below standard levels of service, as identified at p. 4.6-12 of the Draft Revised EIR. The study area roadway segments along Carmel Valley Road would be below the total capacity of 3,400 vehicles per hour, and thus would continue to operate at acceptable levels of service. Mitigation for these impacts includes payment of a pro-rata fair share traffic impact fee toward Highway 1 improvements, payment of TAMC Regional Development Impact Fee, overlap phasing techniques and installation of additional lanes at appropriate intersections. The project proponent will be required to contribute fair share fees to three long term passing lane improvements.

The Traffic Analysis also identified a potential issue with sight distance for travelers on Carmel Valley Road in the vicinity of the project. Mitigation would include signalization of the Carmel Valley Road/Brookdale Drive intersection and installation of warning signs. Other conditions include road modifications/channelization on Carmel Valley Road. These roadway improvements are identified in the Carmel Valley Master Plan Traffic Improvement list. Finally, mitigation measures from the Department of Public Works require the applicant to bond these improvements prior to recording the final map and to install these improvements prior to the issuance of building permits for any unit in the subdivision.

By reducing the number of units, the selected 73/22 Alternative would reduce the magnitude of traffic impacts. Based on the Revised EIR and the record as a whole, the Board finds that with the following mitigation measures, this impact has been mitigated to less than significant.

Mitigation Measure 4.6-1: At the intersection of State Route One and Carpenter Street, the subdivider shall request that Caltrans use overlap phasing to have the westbound right turns synchronized with the southbound State Route One left turn movement. The

applicant shall make a fair share contribution to Caltrans for this improvement or shall obtain an encroachment permit from Caltrans and make the improvement.

Mitigation Measure 4.6-2. Prior to the issuance of building permits for any unit in the subdivision, the applicant shall implement the following circulation improvements to the satisfaction of the Director of Public Works: Install right-turn taper on westbound Carmel Valley Road at the project entrance; install separate thru/left turn and right turn lanes at the project exit to maximize exit capacity. The costs associated with these public improvements, less any costs of these improvements required for project's specific impacts, shall be eligible to a reimbursement agreement. The applicant is required to show the improvements on Subdivision Improvement Plans.

Mitigation Measure 4.6-3. The applicant shall pay to the County the Carmel Valley Master Plan Traffic Impact Fees pursuant to the Board of Supervisors Resolution No. 95-140, adopted September 12, 1995. Fees shall be applied toward improvements, including but not limited to: Carmel Valley Road/Dorris Drive intersection improvements; Carmel Valley Road/Laureles Grade intersection improvements; and Rio Road/Carmel Ranch Boulevard intersection improvements.

Mitigation Measure 4.6-4. The applicant shall contribute fair share fees for SR-1 improvements for all project-generated trips expected to use SR 1 north of Carmel Valley Road. The applicant shall pay to the County \$740/unit (2005 dollars), or as updated by the Department of Public Works, toward the cost of its interim Highway 1 improvements previously constructed. In addition, the applicant shall contribute fair share toward the improvement at the intersection of SR 1/Ocean Avenue/Carmel Hills Drive.

Mitigation Measure 4.6-5. Prior to the issuance of building permits for any unit in the subdivision, the applicant shall provide eastbound and westbound left-turn lanes at Carmel Valley Road at the project entrance, to the satisfaction of the Director of Public Works. The left turn channelization design shall be reviewed and approved by the Director of Public Works prior to installation.

Mitigation Measure 4.6-6. The applicant shall contribute fair share fees for the overlap phasing improvements along Carmel Valley Road (as identified in the CVMP, 1995) at the following locations: in front of September Ranch; opposite of Garland Ranch Regional Park, which is east of Robinson Canyon Road; and near Laureles Grade Road, which is east of Garland Ranch Regional Park.

Mitigation Measure 4.6-7. Prior to the issuance of building permits for any unit in the subdivision, the project applicant shall install the fourth (north) leg of September Ranch Road (the project access road) at the existing stop controlled T-intersection of Carmel Valley Road/Brookdale Drive. The applicant shall be responsible for signaling this intersection and any signal coordination costs associated with this signalization.

- 26h. **Transportation and Circulation, Sight Distance (REIR, Chapter 4.6).** September Ranch Road, the project access road, would connect with Carmel Valley Road at Brookdale Drive, forming a four-legged intersection. Carmel Valley Road is posted with a 50-mph speed limit. The standard stopping sight distance, recommended by Caltrans

Highway Design Manual (HDM), for a roadway with a design speed of 55 mph (assumed 5 mph higher than the posted speed limit) is 500 feet, 603 feet for corner sight distance. From the proposed location of September Ranch Road, an outbound driver would have a sight distance of approximately 375 feet looking to his right (or looking west), which does not meet the Caltrans standard for being able to see a 6 inch object on the Brookdale Drive. The sight distance is restricted by the small vertical curve on Carmel Valley Road. However, given that many vehicles are at least approximately 3 feet tall, much higher than six inches, drivers on Carmel Valley Road and drivers on September Ranch Road should be able to see each other from 600 feet away. The sight distance looking to the left (or looking east) is approximately 760 feet, which exceeds the required limit for stopping and corner sight distance. Based on the Revised EIR and the record as a whole, the Board finds that with the following mitigation measures, this impact has been mitigated to less than significant.

Mitigation Measure 4.6-8. Prior to the issuance of building permits for any unit in the subdivision, the applicant shall in conjunction with the signalization improvements, install a "Signal Ahead" warning sign in both directions in advance of the signal at September Ranch Road and Brookdale Drive to alert drivers on Carmel Valley Road.

- 26i. **Air Quality, Short-Term Construction Emissions (REIR, Chapter 4.7).** The project could potentially impact air quality primarily through: increased auto emissions, dispersed in space and time by the mobility of the source, which in turn would affect localized pollutants such as PM-10 and CO; and temporary emissions of fugitive dust from soil disturbance and combustion emissions from on site construction equipment, offsite vehicles, and employee travel during construction. Construction equipment emissions have been included as a source category in the Monterey Bay UAPCD's Air Quality Management Plan. A disturbance area exceeding 2.2 acres would exceed the daily PM-10 threshold of 82 pounds per day; according to the California Air Resources Board emissions estimates, application of Best Available Control Measures would reduce project emissions to approximately 10 pounds per day. With the adoption of the following measures and based on the Revised EIR and all of the information in the record, the Board finds that the impact has been mitigated to less than significant.

Mitigation Measure 4.7-1. The use of BACMs shall be required during grading operations. BACMs that shall be incorporated into the project include: water all active construction areas at least twice daily; cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; 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; hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more); enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (e.g., dirt, sand, etc.); limit traffic speeds on unpaved roads to 15 mph; install sandbags or other erosion control measures to prevent silt runoff to public roadways; replant vegetation in disturbed areas as quickly as possible; suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph; and limit the area subject to excavation, grading and other construction

activity at any one time to reduce emissions of PM₁₀ to less than 82 lbs. per day.

- 26j. **Noise – Long Term Vehicular Generated Noise (REIR, Chapter 4.8).** The largest noise increase directly related to the project is an additional 0.2 dB along Carmel Valley Road near the project site. This increase would be less than the 1.5 dB threshold of human perception even under instantaneous laboratory conditions, much less in an ambient environment over a span of years. Single family homes would have less than 60db CNEL, however, the inclusionary and workforce housing may experience exterior noise exposure levels in the 60 to 65 dB CNEL range in south-facing habitable rooms with open windows, or on balconies or decks. For the selected 73/22 Alternative, the inclusionary and workforce housing affected is on lots 19-22. The availability of supplemental ventilation in south-facing habitable rooms that would allow residents to close those windows, and glass or plastic barriers between traffic noise and the balconies and decks of inclusionary and workforce housing would reduce such impacts to less than significant. With the adoption of the following measures, based the Revised EIR and on all of the information in the record, the Board finds that the impact has been mitigated to less than significant.

Mitigation Measure 4.8-1. The southern facade of the inclusionary and workforce housing units shall have no balconies or decks facing Carmel Valley Road unless the perimeter of such balconies or decks are shielded by a five-foot high glass or transparent plastic barrier.

Mitigation Measure 4.8-2. Habitable rooms of the inclusionary and workforce housing units that face south shall have a source of supplemental ventilation to allow for window closure in such rooms.

- 26k. **Biological Resources, Habitat Disturbance during Site Improvements, Clearing and Grading (Biological Resources Impact 1, REIR, Chapter 4.9).** For purposes of assessing the extent of habitat disturbance and loss, the density of tree cover within the building envelope of each lot was rated at a scale of 0 to 3: 0 being no trees and 3 being complete canopy coverage. For each lot this density rating was converted to a fraction of the area of the estimated residential clearing envelope of 0.33 acres derived for the project (Shaw Architecture and Planning, May 13, 2002). This area of tree clearing was then multiplied by the average number of trees per acre found on the property discussed above. Pursuant to these calculations less than 80 acres (approximately 9 percent) of the vegetation and wildlife habitat on the project site (exclusive of existing disturbed or developed areas) will be directly lost or disturbed as a result of the proposed project. A total of 71.37 acres of native vegetation communities, including Monterey Pine forest, coastal scrub, and grasslands will be impacted from development within the September Ranch subdivision project area. Approximately 795 acres out of 891 acres of the site will remain relatively undisturbed as either common or private open space. An additional 24.2 acres that comprise the equestrian center will be retained consistent with existing baseline conditions.

As described in the Revised EIR, mitigation measures, project conditions, and these findings, removal of trees and other native vegetation within the building envelopes will be limited to comply with Monterey County regulations. County approval will be

required prior to issuance of individual building permits or roads or other infrastructure.

With the adoption of the following measures, based on the Revised EIR and all of the information in the record, the Board finds that the impact has been mitigated to less than significant.

Mitigation Measure 4.9-1. The project applicant shall submit a Final Map that is consistent with the recommendations outlined in the Forest Management Plan. The applicant shall prepare and submit an Open Space Management Plan and a Grassland Habitat Management Plan which will include the following analyses and performance standards: a delineation of the development envelopes for each residential lot in a manner that minimizes vegetation removal; identification of potential areas for building envelopes prior to the final map. The final map shall show the appropriate placement of the building envelopes with respect to the current conditions (i.e., slope, vegetation areas). All building envelopes shall require plant surveys that shall be conducted at the appropriate time (individual blooming periods are shown in the biological report in Appendix H of the Revised EIR); a prohibition on planting/introduction of nonnative invasive plant species (such as acacia, French or Scotch broom, and pampas grass) within any portion of proposed lots, and a prohibition on the planting/introduction of any nonnative species outside the development envelope; landscape guidelines that encourage the use of native species indigenous to the area as ornamentals and prevent the use of invasive exotics; a limitation on the use of fencing to designate development envelopes, and a prohibition on fencing of parcel boundaries in order to maintain areas for wildlife movement; a restriction of direct disturbance or removal of native vegetation to designated development envelopes, as planned, through project covenants, codes and restrictions (CC&Rs), through dedication of a conservation or open space easement, or other similar method (the applicant currently proposes dedication of conservation and scenic easements over all portions of the site outside designated development envelopes); establishment of lot restrictions and common open space regulations that limit uses and prescribe management responsibilities in private and common open space areas beyond the building and development envelopes identified in the final map; a defined conservation (scenic) easements dedicated to an entity acceptable to the County of Monterey.

These conservation easements are legally binding use restrictions recorded on privately owned land, and can provide a high degree of protection to certain areas on the property while allowing the rest of the land to be developed and used at the owner's discretion. Conservation easements to the benefit of the County of Monterey shall be recorded with the sale of the lot and shall run with the land regardless of the number of times the land is sold. Such easements shall be set aside for as much of the private open space on the property as is feasible to guarantee the long-term preservation of the site's overall biological resource values. Examples of the types of restrictions that shall be considered in these conservation easements include the following: relinquishment of all development rights within the easement area; maintenance of natural habitat; pesticide use restrictions; only compatible public recreation uses allowed within easement lands, not uses that cause disturbance to native vegetation and wildlife; restricted trails for pedestrians, hikers and equestrian uses within easement lands; no vehicles of any kind allowed in easement lands except for those required by the habitat/open space manager in performance of habitat

monitoring or maintenance activities; no alteration of land including grading, disking, compacting, soil removal or dumping shall be allowed unless the work is for the purpose of habitat management/restoration and authorized by the habitat/open space manager; no removal of flora or fauna from the easement area including mowing or weed whacking unless authorized by the habitat/open space manager; limitations/restrictions will be placed on construction of permanent or temporary facilities (e.g., picnic tables or portable toilets) within the easement areas in accordance with the goals of the open space management program; leash laws within the easement areas must be enforced; and right of inspection of the easement area by the easement holder and habitat/open space manager.

261. **Biological Resources: Impacts to Monterey pine/coast live oak forest, (Biological Resources Impact 2, REIR Chapter 4.9).** For the proposed project, approximately 34.90 acres of Monterey pine/coast live oak forest habitat will be directly impacted from construction, roads, utilities and building pads. Approximately six percent of the coast live oak trees and approximately four percent of the Monterey pines that occur onsite will be removed as a result of full project build-out under the proposed project. Pines not slated for removal may suffer mechanical damage during site preparation and future home construction from tree removal, soil disturbance and compaction.

By reducing the total number of units, the selected 73/22 Alternative will reduce the potential for impacts to Monterey pines and coast live oaks. In recognition of community concerns, the Board determines that it is appropriate to adopt rigorous performance standards for mitigation of impacts to trees. In addition to 3:1 dedication of open space and 1:1 replacement of individual trees, the Board will require 100% survival of replacement trees, with an emphasis on replacement with native genetic stock. Extensive monitoring and professional review is required. The last phase of the development shall not be recorded if monitoring does not confirm 100% survival according to the conditions and mitigations for the project. Also in response to community concerns, the Board directs that Lot 68 under the selected 73/22 Alternative be moved away from Jack's Peak Regional Park to a location on the western side of the property, in an area previously studied under the proposed project. The new location of Lot 68 will result in even fewer impacts to pine trees as a result of implementation of the selected 73/22 Alternative.

With the adoption of the foregoing and following measures, based on the Revised EIR and all of the information in the record, the Board finds that the impact has been mitigated to less than significant.

Mitigation Measure 4.9-2. The project applicant shall submit a Forest Mitigation and Monitoring Plan, which will identify permanently dedicated open space 3 times the acreage of Monterey pine/coast live oak forest (3-to-1 ratio) that will be developed.

Mitigation Measure 4.9-3. To reduce the loss of individual trees, all coast live oak trees and Monterey pine trees 6" or larger shall be replaced on a 1:1 basis by planting or transplanting trees in areas of suitable soil as determined appropriate by a professional forester. The following performance standards and procedures are required:

A tree replacement plan shall be prepared by a registered professional forester, and will

be subject to review and approval by the Resource Management Agency- Planning Department, that includes the following: identify tree planting areas with suitable soils that will also fulfill project landscape plans and visual screening objectives, as feasible; identify monitoring requirements, such as a site inspection at the end of the first winter after planting to confirm numbers, species of replacement, and locations of plantings. Annual inspections over seven (7) years after planting shall confirm the objective of the plan, such as the survivability of the plantings, and the percentage of healthy trees; the entire 100% of the plantings shall be established/surviving by seven (7) years after planting or monitoring (and replacement) shall continue until compliance is achieved, unless it is found to be detrimental to the health of the stand due to overcrowding. The long term objective is 100%. If initial planting levels exceed 1:1 replacement, then whatever percent assures 1:1 replacement should be the minimum standard, subject to the above forester's finding caveat; the location and species of all required replacement trees planted shall be mapped so they can be monitored for over the seven (7) year period. The monitoring period shall be extended for individual trees that die or are in poor health and must be replaced so that every tree is monitored for seven years (7) after planting; onsite native seedlings will be transplanted within construction areas and those occurring near construction areas shall be protected to maintain natural diversity and adaptation; all replacement trees shall be of local, native stock. All replacement Monterey pines shall be grown from on-site native stock collected within the 500 foot elevation zone of the planting site. Replanting shall avoid open spaces where currently there are no trees unless there is evidence of soil deep enough and of good enough quality to support the plantings.

The applicant or agent shall file a report simultaneously with submission of each phase to the County, documenting the survival status of all replacement trees planted to that date. The last phase will not be recorded if replacement trees planted to date are not meeting 100 percent survival, subject to the following: 1) If the all replacement trees planted to date are meeting 100% survival at that time, the applicant shall post a bond or other financial surety to ensure survival of 100% of the trees required for the project through the seventh year after planting; 2) If the all replacement trees planted to date are not meeting 100% survival, then prior to recording of the last phase the applicant shall plant replacement trees sufficient to meet 100% survival and shall post a bond or other financial surety to ensure survival of 100% of the replacement trees required for the project through the seventh year after planting. If, due to violation of another project condition/measure or other circumstance, a prior phase retroactively becomes the last phase, at that time the applicant shall post a bond or other financial surety sufficient to ensure survival of 100% of the replacement trees required for the project through the seventh year after planting.

Mitigation Measure 4.9-4. Pines adjacent to ones slated for removal shall be protected individually with orange construction fencing placed around their dripline. Pines not slated for removal shall not be damaged. To avoid mechanical damage to pines not slated for removal, the following measures are required: minimize impacts to retained trees by individually cutting adjacent removal trees; minimize mechanical tree damage such as skinning of the trunks, partial pushovers, etc. during construction or harvesting operations; build barricades around trees to prevent mechanical damage by equipment in yard and landscape environments; minimize root damage by keeping trenching and

digging to a minimum; during landscaping operations, maintain final soil level around tree trunks and roots as much as possible to the same height as it was before construction; direct all drainage from developed areas away from low or flat areas near trees to prevent saturation of soils at the base of trees; and require protection of oak and Monterey pine trees located outside designated development envelopes unless proven to be diseased or unhealthy as determined registered professional forester.

- 26m. **Biological Resources, Fragmentation of Monterey Pine Forest and Increase in Potential For Pitch Canker And Other Diseases (Biological Resources Impact 3, REIR, Chapter 4.9).** Fragmentation occurs when forest areas are bisected or separated from each other by permanent structures or changes like roadways or clear-cutting to an extent that affects the ability of a forest to regenerate itself by natural means. A total of 3,758 acres of contiguous and relatively large ownerships occur in the greater September Ranch project area. Monterey pine forest is located on 3,042.5 acres of the 3,758 acres, (80 percent) of the surrounding area. Project implementation would directly affect 34.9 acres of the existing 426 acres of Monterey pine forest located on the project site. The loss of the 34.9 acres of Monterey pine forest located on the project site equates to a loss of approximately 1 percent of the total acreage of Monterey pine forest habitat in the greater project area.

Fragmentation is difficult to quantify and although fragmentation indicators are being researched and tested, no common set of indicators exist. The question of how to define and measure fragmentation, the degree in which forested areas are being broken into smaller patches, is complex as fragmentation can be anything from a road bisecting a forest to suburban sprawl. Overall, fragmentation can be defined as the dividing of contiguous blocks of forest by roads, development, and other non-forest uses in a manner that adversely affects the ability of the forest to regenerate.

Most pine species produce abundant seed, which is important for long-term survival. Pine pollen is wind driven and though while most of the pollen may settle within a short distance of the source tree, there is a good likelihood that a small portion will travel large distances. In addition to pollination, pine regeneration is an important factor in forest ecology. Existing development in pine forest areas along the Monterey Peninsula does not significantly affect regeneration except in the areas actually converted. Excessive shade is usually the greatest barrier to pine regeneration in denser strands, and there may be a short-term increase in pine generation at the margins of development areas due to the increased light availability. Monterey pine normally invades dry sites with poor, shallow soils. It also invades areas after land clearance, grazing, fire, or logging with open areas. Monterey pine has intermediate shade tolerance and as it matures, it becomes even less tolerant of shade, and shows optimal growth in full sunlight. Therefore, the disturbance to the September Ranch forest may benefit some individual trees.

Based on the foregoing factors, the location of the impact and quantity of trees impacted, and other information in the record, the project biologist concluded that although the project will impact some pine trees, it will not result in adverse fragmentation. The Board concurs with this conclusion.

Surveys conducted in the last quarter of 2004 in Jack's Peak Regional Park revealed that

most trees within the park had no indications of pitch canker symptoms, and only 7 individual pines with pitch canker were identified. The incidence of pitch canker symptoms decreases in frequency and severity at higher elevations and as the distance from the coast increases. The 7 infected pines were located in the southern portion of the project site at elevations lower than 250 feet. Therefore, given the distance between the trees displaying symptoms onsite and Jack's Peak Regional Park, the proposed project would not significantly accelerate the spread of pitch canker from the site to Jack's Peak Regional Park. The September Ranch project site is located 3 miles inland, and thus the threat of pitch canker is lessened.

The County's consultant concluded that given the lack of fragmentation and the nature of the proposed development, the project will not impede the pollen flows of the pines on site. The Board finds that the project will not impact the genetic diversity of the pine population.

The potential for "edge effects" was also considered. An "edge effect" consists generally of impacts to the edges of forest areas resulting from clearing or impacts within adjacent forest areas. Although there is no absolute distance established in the scientific literature, as a general matter edges around cleared areas tend to be affected approximately 50 meters into forest habitats. For the September Ranch proposed project approximately 4.2807 acres for each 0.33-acre cleared area would have the potential to experience edge effects. The potential for edge effects is further reduced for the selected Alternative.

The September Ranch project area main taxa that may be impacted if edge effects were to occur are birds and trees. The proposed project would result in less than substantial impacts to breeding birds, because there will be no direct loss of individuals during the breeding season, and once the disturbance has been removed (building houses), it is anticipated that birds will use the 50 meters of habitat within a clearing.

With respect to trees, no research was identified that addressed edge effects on pines; however, it is expected that the potential effects would be the following: change in light duration and intensity, soil temperature, and change in wind conditions. Monterey pines prefer to have more light for their growth, becoming thin in dense forests. Monterey pines tend to prefer dry, shallow soils, and to this extent, the creation of an edge may benefit them. Moreover, new wind conditions may not affect the Monterey pines as they are often seen in isolated areas in windy conditions. Based on the foregoing, it is concluded that the potential for substantially adverse "edge effects" is less than significant, and in some instances it is possible that the creation of an edge will benefit some areas of Monterey pine by providing more light and drier soils.

To address public concern and in recognition of uncertainty, the Board finds that it is appropriate to adopt mitigation measures to address the potential for the spread of pitch canker. Moreover, although the EIR concludes, and the Board finds, that the project does not result in fragmentation, to address public concern regarding development adjacent to Jack's Peak Regional Park, the Board further directs that the northern portion of the lot closest to Jack's Peak Regional Park (Lot 68 under the 73/22 Alternative) be moved away from the Park, thereby preserving additional pine forest adjacent to the Park. The Board also directs that this property (and certain common open space) be dedicated to a non-

profit and/or to Parks to provide for ownership and management which will preserve its value as parkland/pine forest/open space.

Based on the foregoing, the Revised EIR, and all of the evidence in the record, with the following mitigation measures and project conditions, the Board concludes that approval of the proposed project would not result in fragmentation of the Monterey pine forest; would not result in a significant increase in the threat of pitch canker; and would not result in significant impacts to pine genetic diversity or edge effects.

Mitigation Measure 4.9-5. There is no proven method available that will prevent pitch canker from infecting susceptible trees. To prevent the spread of the fungus into the pines within the project site, the following actions shall be taken to slow down the spread of pitch canker: minimize removal or severe pruning of trees during periods of peak beetle activity, particularly during maximum growth during the spring. Remove or chip trees and debris promptly and in accordance with handling guidelines of the Oak Mortality Task Force and Agricultural Commissioner for oaks and the Pitch Canker Task Force for pines; all trees proposed for removal shall be removed carefully so as not to injure (including breaking nearby branches, cutting trunks, etc.) adjacent trees not slated for removal. There are some Monterey pines that are pest resistant to the pathogen and these trees may be used but should not constitute more than 30 percent of the planted stock as a seedbase for replanting; encourage healthy growth of trees. Susceptibility to beetle attack increases with poor health or damage due to breakage, wounding, or soil compaction.

- 26n. **Biological Resources: Disturbance of Oak Trees (Biological Resources Impact 4, REIR Chapter 4.9).** This impact category recognizes that oak trees not slated for removal may suffer mechanical damage during site preparation and future home construction from soil disturbance and compaction, including grading and filling, as well as introduction of landscaping and irrigation. If excavation occurs within the dripline or if soil underneath an oak is compacted due to grading and/or use of heavy equipment, tree loss may occur through damage of very fine roots near the surface. The Board finds that the following measures will assist in avoiding or reducing these impacts by requiring avoidance where possible, review of plans by professional foresters and by providing education and guidelines to homeowners regarding care and protection of oaks; with the identified measures, based on the Revised EIR and all of the information in the record, the Board finds that the impact has been mitigated to less than significant.

Mitigation Measure 4.9-6. Submit a final Forest Management Plan, which includes a Forest Mitigation and Monitoring Plan, subject to review and approval by the County Planning Department that includes the following: avoid grading, filling, and all construction activity within the dripline of oak trees, where possible. Any construction or activity within the dripline of oak trees shall be reviewed and approved by a qualified forester or arborist with their recommendations for protection as appropriate; and develop CC&Rs that shall include oak tree protection as outlined in the Forest Management Plan on individual lots as part of future home construction, as well as guidelines for appropriate landscaping management to protect remaining oaks. Wherever possible, future homes should be sited outside of the dripline of any oak.

26o. **Biological Resources: Removal of Coastal Sage Scrub (Biological Resources Impact 5, REIR Chapter 4.9).** Approximately 18.55 acres of coastal sage scrub will be removed during construction of infrastructure improvements and houses. For the proposed project, 359.45 acres out of a total of 378 acres will be retained on-site; by reducing overall construction, the selected 73/22 Alternative will further reduce the magnitude of this impact. With the adoption of the following measures, based on the Revised EIR and all of the information in the record, the Board finds that the impact has been mitigated to less than significant.

Mitigation Measure 4.9-7. Clear definition of the development envelope for each lot in the coastal scrub areas, restrictions of the remainder of the lots, and implementation of the Tentative Map (Mitigation Measure 4.9-1) that details the general open space management measures and conservation easement designations on lots should reduce some of the impacts to coastal sage scrub. In addition, to reduce the impacts to coastal sage scrub, the Board adopts the following mitigation measures:

Submit final Open Space Management Plan that includes protection and enhancement for the long-term viability of the habitat types onsite and the plant and animal species they support, and incorporation into project documents that are passed on to homeowners. The plan should include, but not be limited to, the following: limiting native vegetation removal and other disturbances in areas not specifically designated for buildings and other facilities to minimize losses to coastal sage scrub and grassland areas with high concentrations of native species as well as Monterey pine, coast live oak forest; protection of sensitive plant species identified herein (and in subsequent studies) through design, setbacks, salvage and relocation, and other means wherever feasible; and designation of trails and other directed access to/through common open space areas to reduce inadvertent habitat degradation.

26p. **Biological Resources: Removal of Grasslands (Biological Resources Impact 6, REIR Chapter 4.9).** For the proposed project, approximately 18 acres of the grasslands on the site lie within building envelopes or roads and approximately 44 acres of this habitat type will remain as managed open space. Two large grassland areas near the project entrance, identified as areas supporting a high diversity and abundance of native wildflowers and grasses, will be preserved as open space and actively managed to maintain existing values and enhance dominance by native plant species; native grassland acreage shall be replaced at a 1:1 ratio. With the adoption of the following measures, based on the Revised EIR and all of the information in the record, the Board finds that this impact has been mitigated to less than significant.

Mitigation Measure 4.9-8. Submit a final Grassland Management Program that preserves, enhances and restores native grasslands on the site. The following standards and procedures are required: clear definition of the building footprint for each lot in the grasslands areas, restrictions on the remainder of the lot; description of the implementation of an active grassland management program for both the lots and the common open space areas; light rotational, seasonally-timed grazing and/or appropriately timed mowing to reduce the cover of non-native annual grasses; limit soil disturbance through cultivation; preclude the use of herbicides unless applied directly to invasive, non-native species; address the removal of Monterey pine seedlings in the native

grasslands (either through mowing or chipping); address restoration in areas dominated by invasive species like French broom; and consider the possible use of fire management on both the common open space and private open space grassland areas; provide building envelopes for each parcel.

Mitigation Measure 4.9-9. To reduce the acreage impacts to native grasslands, pre-construction surveys shall be conducted that identify areas with high concentrations of native species (areas with over 50 percent native grassland species). Native grassland acreage shall be replaced at a 1:1 ratio.

- 26q. **Biological Resources: Removal of Special Status Plant Species (Biological Resources Impact 7, REIR Chapter 4.9).** The Revised EIR lists five special status plant species that have been observed on the project site, and notes that an additional 14 have the potential to occur onsite, but of those 14 only 8 were observed on-site during focused surveys conducted in 2005. Impacts to Pacific Grove clover will be avoided through road realignments. With the adoption of the following measures, based on the Revised EIR and all of the information in the record, the Board finds that this impact has been mitigated to less than significant.

Mitigation Measure 4.9-10. To reduce the potential "take" of listed species the following measures and standards are required: Prior to issuance of permits for grading or building permits for subdivision improvements or individual homes, a botanical survey shall be conducted during the appropriate blooming period for each species. If no listed species are observed no further action is required. If individuals are found a report shall be prepared, detailing the habitats affected by the project, the species potentially affected by the project, and the appropriate mitigation measures to reduce the "take" of listed species. Informal consultation with CDFG may be required. CDFG may require further actions. If listed species are found a report shall be prepared, detailing the habitats affected by the project, the species potentially affected and appropriate mitigation measures to reduce "take" of listed species. Informal consultation with the USFWS will be required if Monterey spineflower are found. 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. Bi-monthly site inspection by a qualified biologist will be required during construction to ensure implementation of the measure.

Mitigation Measure 4.9-11. The project applicant shall submit to the Monterey County Planning Department a Final Map that identifies the roadway realignments in the area of Lots 18-22 that avoid the identified population of Pacific Grove clover. For the selected 73/22 Alternative, these are Lots 13-17.

- 26r. **Biological Resources: Removal of Nesting Habitat (Biological Resources Impact 8, REIR Chapter 4.9).** The proposed project has the potential to affect nesting habitat for raptors and passerines, and to increase erosion that could affect nesting habitat. Mitigation measures will be required that, among other things, avoid activity during sensitive times of year. By reducing the number of overall units, the selected 73/22 Alternative will reduce the potential for this impact to occur. With the adoption of the following measures, based on the Revised EIR and all of the information in the record,

the Board finds that this impact has been mitigated to less than significant.

Mitigation Measure 4.9-12. To avoid a take and/or further evaluate the presence or absence of raptors, removal shall be conducted outside the nesting season, which occurs between February 1 and August 15, when feasible. If grading before February 1 is infeasible and groundbreaking must occur within the breeding season, a pre-construction nesting raptor survey shall be performed by a qualified biologist. If no nesting birds are observed, no further action is required and grading may occur within one week of the survey to prevent "take" of individual birds that may have begun nesting after the survey. If birds are observed onsite after February 1 it will be assumed that they are nesting onsite or adjacent to the site. If nesting birds are observed, ground breaking will have to be delayed until after the young have fledged, as determined by bird surveys conducted by a qualified biologist, or after the nesting season.

Mitigation Measure 4.9-13. To avoid a take and/or further evaluate the presence or absence of passerines, grading within the grasslands shall be conducted outside the nesting season, which occurs between approximately February 1 and August 15, when feasible. If grading before February 1 is infeasible and groundbreaking must occur within the breeding season, a qualified biologist shall perform a pre-construction nesting bird survey of the grasslands. If no nesting birds are observed, no further action is required and grading may occur within one week of the survey to prevent "take" of individual birds that may have begun nesting after the survey. If birds are observed onsite after February 1 it will be assumed that they are nesting onsite or adjacent to the site. If nesting birds are observed, ground breaking shall be delayed until after the young have fledged, as determined by bird surveys conducted by a qualified biologist, or after the nesting season.

- 26s. **Biological Resources: Removal of Bat Habitat (Biological Resources Impact 9, REIR Chapter 4.9).** Several bat species have potential to occur in the medium (12-19 inches in diameter) and large (less than 20 inches) diameter Monterey pine and coast live oak trees that are slated for removal. By reducing the number of overall units, the selected 73/22 Alternative will reduce the potential for this impact to occur. With the adoption of the following measures, based on the Revised EIR and all of the information in the record, the Board finds that this impact has been mitigated to less than significant.

Mitigation Measure 4.9-14. To avoid "take" and or further evaluate presence or absence of roosting bats the following measures and performance standards are required:

- Snags shall not be removed without first being surveyed by a qualified bat biologist, 2-4 weeks prior to planned tree removal to determine whether bats are roosting inside the trees. If no roosting is observed, the snag shall be removed within one week following surveys. If bat roosting activity is observed, limbs not containing cavities, as identified by the bat biologist, shall be removed first, and the remainder of the tree removed the following day. The disturbance caused by limb removal, followed by a one night interval, will allow bats to abandon the roost.
- Remove large trees (>24" diameter at breast height [dbh]), or trees with cavities, between September 1 and October 30. This time period is after young are volant (flying),

but before expected onset of torpor (winter inactivity). Smaller trees may be removed at any time.

• If trees larger than 24" dbh, or trees with cavities, must be removed outside this time period, night emergence surveys shall be conducted by a qualified bat biologist, 2-4 weeks prior to planned tree removal to determine whether bats are roosting inside the trees. If no roosting is observed, the tree shall be removed within 1 week following surveys. If bat roosting activity is observed, limbs not containing cavities, as identified by the bat biologist, shall be removed first, and the remainder of the tree removed the following day. The disturbance caused by limb removal, followed by a one night interval, will allow bats to abandon the roost. Preconstruction surveys shall be conducted within time period recommended by resource agencies prior to activities.

26t. Cultural Resources: Archeological and Paleontological Resources (Cultural Resources Impact 1, REIR, Chapter 4.10). An archeological reconnaissance survey was conducted at the project site to identify visible surface evidence of cultural resources, and archival research was also conducted. Based on the foregoing, the Board finds that the project site does not contain any previously unknown archeological resources. There is the potential that earth-moving activities may uncover unknown, buried cultural resources. By reducing the number of overall units and thereby reducing construction, the selected 73/22 Alternative would reduce the potential for this impact to occur. With the adoption of the following measures, based on the Revised EIR and all of the information in the record, the Board finds that this impact has been mitigated to less than significant.

Mitigation Measure 4.10-1. If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken: There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered must be 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, Salinan, 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:

1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendent identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of Planning, Monterey County Planning Department for approval. The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.

- 26u. **Aesthetics: New Sources of Light and Glare (Aesthetic Impact 1, REIR Chapter 4.11).** The project will introduce new source of light and glare to the project area via the use of street and security lighting, outdoor residential lighting, and light generated from project-related traffic. The proximity of the inclusionary housing to Carmel Valley Road results in this component of the project being the most prominent source of light and glare on existing viewsheds. A variety of mitigation measures are employed such as the review and implementation of a lighting plan for public spaces (including roadways) and assurances that the type, height, and spacing of security and parking lighting conforms to County standards. By reducing the number of overall units, the selected 73/22 Alternative will further reduce the potential for any impact to occur. With the adoption of the following measures, based on the Revised EIR all of the information in the record, the Board finds that this impact has been mitigated to less than significant.

Mitigation Measure 4.11-1. Prior to the issuance of a grading permit, the applicant shall submit a Final Map, which will be subject to review and approval by the Resources Management Agency. Envelopes will be established on each proposed lot to define the building area that result in minimal grading and protect the public viewshed by avoiding ridgeline development and preserving existing screening vegetation. Home sites in building envelopes on the bluffs overlooking Carmel Valley Road shall be limited in building height, as needed, to reduce visibility and screen buildings from Carmel Valley Road. The applicant is required to submit a final map with building envelopes, to incorporate design guidelines into the CC&Rs; to dedicate open space easement(s); to include applicable requirements as a note on an additional sheet of the final map; and to submit a landscape and lighting plan subject to review and approval by the Resource Management Agency-Planning Department.

Mitigation Measure 4.11-2. Prior to issuance of a grading permit, the applicant shall submit design guidelines and landscaping plan subject to review and approval of the Monterey County Resource Management Agency- Planning Department. The plan shall utilize a rural-agricultural architectural theme for the proposed development, break up building mass of the units closest to Carmel Valley Road, and implement landscaping

materials compatible with the surrounding area. This plan shall also address the sewage treatment facility. Landscaping shall incorporate mature trees in the area nearest to Carmel Valley Road.

Mitigation Measure 4.11-3. Prior to issuance of a building permit, the project applicant shall dedicate open space easements as shown on the Preliminary Project Review Map through dedication of a conservation and scenic easement or other suitable method to insure its long-term protection.

Mitigation Measure 4.11-4. The applicant shall submit a public space (including public roadways) lighting plan subject to review by the Monterey County Resource Management Agency-Planning Department. The plan shall identify the use of non-reflective materials, subdued colors, and lighting that does not create offsite glare.

Mitigation Measure 4.11-5. The type, height, and spacing of security and parking lighting shall conform to the County standard, which requires that lighting be directed downward and be of a minimum intensity that will allow for proper safety.

- 26v. **Public Services and Utilities: Increased Demand for Recreational Services (Public Services and Utilities Impact 1) (REIR Chapter 4.13).** The proposed project would result in introduction of approximately 350 people into the project area, which in turn would result in increased demand for recreational facilities. The County currently operates and maintains 19,400 acres of land and water for public recreation, which will serve the future recreational needs of September Ranch residents. However, according to Monterey County Code section 19.12.010, residential development applicants are required to provide land dedication or pay in lieu fees to provide active park and recreation improvements that reasonably serve the residents of new subdivisions; under the applicable formula, the September Ranch project as proposed is required to dedicate 1 acre of land for active park and recreational uses.

The project as proposed would retain approximately 783 acres of the 891 acre project site as open space. Open/common space areas accessible to all September Ranch residents would be dispersed throughout the project site. If the applicant provides park and recreation improvements to the land, the value of improvements together with any equipment located thereon shall be a credit against the payment of fees or dedicated land.

The applicant will be required to provide a tot lot to serve the inclusionary and workforce units. The open space and trail system on the property will provide additional open space/recreational opportunities. The applicant has offered to dedicate a park parcel (Parcel C) at the base of Roach Canyon to Monterey County Parks and Recreation Department as well as a trail easement from that entry point to Jack's Peak Regional Park. Access to Jack's Peak Regional Park from properties proposed at the northern portion of the property will be limited to the Parks Department trail easement or emergency evacuation along the existing ranch roads.

Conditions designed to address potential impacts to recreation generally start at Condition 100 and require, among other things, clearing and dedication of Parcel C to the Monterey County Parks Department; dedication of a twenty (20) foot public recreational

trail easement over the subdivided property, generally along the westerly boundary of the project; designation of certain trails as private and precluding private trails from accessing Jack's Peak Regional Park; and dedication of land and recreation improvements in accordance with the provisions contained in Section 19.12.010 (D) for park and recreation purposes reasonably serving the residents of the inclusionary and deed-restricted workforce housing units, and related actions. In addition, although there are no significant impacts to recreation, to address public concerns, the Board directs that the northern portion of the lot closest to Jack's Peak Regional Park (Lot 68 under the 73/22 Alternative) be moved away from the Park. The Board directs that this property, and common open space identified as Parcel D on the map dated December 2006, be dedicated by the applicant to a non-profit and/or the Parks Department so as to provide ownership and management that will assure its continuing value as parkland/open space. These conditions partially overlap with and implement the following mitigation measures:

Mitigation Measure 4.13.5-1. The applicant shall dedicate land for recreational uses prior to recordation of the final map.

Mitigation Measure 4.13.5-2. The applicant, in coordination with the Parks Department, shall dedicate trail easements to the County for the connection of future trails with existing trails. The new public recreational trail shall, at a minimum, accommodate future and feasible connections to Jack's Peak Regional Park trail route and the possibility of other regional trail links to facilitate a regional trail system as outlined in the Greater Monterey Peninsula Area Plan.

Mitigation Measure 4.13.5-3. Any agreed upon trail easement/alignment shall be identified on the tentative map for approval by the Parks Department and on the Final Map for recordation.

Approval of the selected 73/22 Alternative will reduce the population increase and demand for recreational services identified in the Revised EIR, thereby increasing the benefit of the conditions and mitigations. With the above measures, based on the Revised EIR and all of the information in the record, the Board finds that this impact has been mitigated to less than significant.

- 26w. **Cumulative Impacts, Transportation and Circulation (REIR, Chapter 5.0).** The court of appeal in the September Ranch litigation held that the 1998 Final EIR was adequate in its discussion of traffic impacts and mitigation. To address changes since the 1998 Final EIR, the Revised EIR provides an updated traffic analysis, including an updated cumulative traffic analysis. This analysis evaluates traffic conditions of the buildout of the area planned by the Year 2025 in accordance with the Monterey County General Plan. The cumulative AM and PM peak hour volumes were forecasted and provided by the Association of Monterey Bay Governments staff. Under cumulative Year 2025 conditions, the intersections of Carmel Valley Road/Carmel Rancho Boulevard/Carmel Knolls Drive and Carmel Valley Road/Rancho San Carlos Road are expected to continue to operate at acceptable levels of service. The intersections of Carmel Valley Road/Brookdale Drive/Project Driveway, Carmel Valley Road/Dorris Drive, and Carmel Valley Road/Laureles Grade are also expected to operate acceptably

with signalization.

Five intersections are expected to operate unacceptably under the Year 2025 scenario: the intersection of Highway 1 with Carpenter Street; Highway 1 with Ocean Avenue/Carmel Hills Drive; Highway 1 with Carmel Valley Road; Highway 1 with Rio Road; and Highway 68 with Laureles Grade Road. The cumulative analysis also assessed four roadway segments within the project area and projected the Year 2025 PM peak roadway volumes for four study area roadway segments along Carmel Valley road and concluded that these segments should be able to accommodate cumulative traffic conditions in the area.

To address cumulative impacts at the five intersections identified as unacceptable under cumulative conditions, the following mitigation measures will be imposed. Based on the Revised EIR and the record as whole, the Board finds that with these measures the cumulative traffic impact will be less than significant.

Mitigation Measure 5-1. The applicant shall pay a fair share contribution towards improvements for Highway 1.

Mitigation Measure 5-2. The applicant shall pay a fair share contribution towards the improvements at the intersection of Highway 68/Laureles Grade Road.

27. **FINDING: NO SIGNIFICANT AND UNAVOIDABLE IMPACTS.** The Revised EIR evaluates the potential impacts of the project and recommends feasible mitigation measures to reduce impacts to a less than significant level, and these measures are adopted as conditions of approval as described in the record and these findings. With implementation of the proposed measures, the project would not result in any significant unavoidable impacts. For these reasons, the Board is not required to adopt a statement of overriding considerations pursuant to 14 Cal. Code Regs. §15093.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

28. **FINDING: BASIS FOR THE BOARD'S DECISION TO APPROVE THE 73/22 ALTERNATIVE RATHER THAN PROPOSED PROJECT.**

28a. **Project Objectives.** The project objective is to provide market and low-and moderate-income housing in accordance with County ordinances and the CVMP.

28b. **Alternatives to the Proposed Project.** Chapter 6 of the Draft and Recirculated Draft Revised EIRs examines seven alternatives to the Proposed Project including a no project alternative as well as alternatives that vary the total number of units, vary mixes of market rate and inclusionary units (which have different impacts in terms of water supply

and other resource categories), and identify different locations for the proposed units (to address biological, aesthetic, and other resource categories): (1) No Project/No Development Alternative; (2) Reduced Density—Planning Commission Recommendation Alternative; (3) Reduced Forest Impact with High Inclusionary Housing Alternative; (4) Reduced Forest Impact with Twenty Percent Inclusionary Housing Alternative; (5) Reconfigured 94/15 Alternative; (6) 82/27 Alternative; and (7) 73/22 Alternative. The Board finds that the range of alternatives studied in the Revised EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the proposed project's environmental impacts while accomplishing most but not all of the project objectives. There are no other sites owned by the applicant on which it would be feasible to accomplish the project objectives or to develop the level of inclusionary housing provided by the project. There is one other project in the Carmel Valley currently undergoing environmental review that proposes inclusionary housing (PLN040061-Rancho Canada Community Partners); however, the Board finds that, without pre-judging the Rancho Canada project, it would be a substantial benefit to the Carmel Valley to acquire the inclusionary and workforce housing proposed by both projects. The Board finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which alternatives to the proposed project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the County's ability to achieve the project objectives.

Based on the thorough public process conducted for the proposed project, upon full consideration of the environmental impacts identified in the Revised EIR process and based on the record as a whole, including consideration of all public comments received on the project, the Board declines to approve the proposed project. Instead, the Board determines that the 73/22 Alternative presented in the Revised EIR, as modified by the Board upon public hearing (including moving Lot 68, dedication of land for park/forest purposes, and providing 15 inclusionary housing units and 7 workforce housing units for a total of 22 affordable housing units) will best serve the public interest while also addressing significant environmental concerns, and on that basis determines to approve the 73/22 Alternative.

- (i) **73/22 Alternative.** The 73/22 Alternative, as presented in the Revised EIR, would result in development of 73 market rate lots and 22 inclusionary units, for a total of 95 units on approximately 46 acres. In comparison to the proposed project, the 73/22 Alternative would result in a reduction of 3,000 cubic yards of grading. The amount of open space would be increased proportionate to the reduction in development from the proposed project. The 73/22 Alternative is anticipated to reduce individual tree loss (prior to replacement) from 3,582 to 2,283 (1,464 pine trees and 819 oak trees). The 73/22 clusters the inclusionary housing, and locates lots in a manner that reduces aesthetic concerns compared to the proposed project or similar alternatives. Because the 73/22 alternative reduces total units (and thereby total construction), and provides a different mix of market rate and inclusionary units in varied locations, compared to the proposed project the 73/22 Alternative results in fewer impacts in the resource categories of geology and soils, water supply, hydrology and water quality, transportation and

circulation, air quality, noise, biological resources, cultural resources, and public services and utilities.

The 73/22 Alternative will provide greater benefits than the proposed project with respect to affordable housing. The Board has stressed the importance of support for providing additional affordable housing in the unincorporated area of the County and has been providing support for projects whose applicants are willing to provide more than the required amount of housing. Carmel Valley is one of the areas identified by the Board to be targeted for increasing the amount of affordable housing to improve the jobs-housing balance in this area of the County. In addition, the State Legislature has made the provision of affordable housing one of the highest priorities of the State. In the 73/22 Alternative, 22 units of inclusionary housing are proposed in three locations.

In determining to approve the 73/22 Alternative, the Board directs that the Alternative be modified in the following ways: (1) Lot 68 shall be moved away from Jack's Peak Regional Park and toward the western side of the property, in an area already studied under the proposed project; (2) the northern portion of the property that would have been Lot 68, closest to Jack's Peak Regional Park, and common open space identified as Parcel D on the map dated December 2006, shall be dedicated to a non-profit and/or to the Parks Department in a manner so as to provide ownership and management that will assure its continuing value as parkland/open space; and (3) 7 of the 22 housing units identified for inclusionary housing shall be deed-restricted workforce housing. The County also has a need for affordable workforce housing in the project area.

The Board finds that none of the above modifications will result in significant impacts that require recirculation of the Revised EIR. The change to the location of Lot 68 and the increase in parkland will reduce already less-than-significant impacts related to pine trees, recreation and aesthetics, and will address deeply-held public concerns.

The change to workforce housing will not result in significant adverse impacts. The water demand associated with workforce housing is 0.3 AFY. Although water demand associated with those 7 units may increase from 0.231 AFY to 0.3 AFY, the Board finds that even with this change the total water demand for project as approved will remain under the 57.21 AFY impact evaluated in the Revised EIR, which is also the water use cap imposed by the Board as a condition of project approval.

- (ii) **Reduced Forest Impact With High Inclusionary Housing Alternative.** This alternative is nearly identical to the selected 73/22 Alternative, except that the inclusionary housing is placed in a different location. This alternative was not selected because the 73/22 Alternative best addresses the aesthetic concerns associated with the location of the inclusionary housing.

- (iii) **Environmentally Superior Alternative -- No Project/No Development Alternative.** The Environmentally Superior Alternative is determined to be the No Project/No Development Alternative. As with almost all no-development/no-project alternatives, given Revised EIR baseline conditions the No Project alternative has lesser impacts than the proposed project and selected Alternative in all categories except population, housing and employment. However, the benefit of lesser impacts is relatively small given that the proposed project and selected Alternative have less than significant impacts with mitigation, and no significant and unavoidable impacts. Moreover, without some level of project development, there would be even less suitable housing for low to moderate income persons, and less employment opportunities, within the CVMP area and the County. The No-Project Alternative does not meet the project objectives of providing inclusionary housing within the CVMP area. The proposed project, as modified by the selected Alternative, has been carefully designed and modified over many years of study and debate to accommodate community and environmental concerns, so that the project has engendered support from many community members and community groups. Based on the record as a whole, the Board finds that the public interest is better served by allowing development under the selected 73/22 Alternative, which exceeds the requirements of CEQA by reducing the already-less-than-significant impacts of the proposed project, than by foregoing development on the project site entirely under the No Project alternative.
- (iv) **Environmentally Superior Project Alternative: Reduced Density—Planning Commission Recommendation Alternative (49/8).** This alternative was identified as the Environmentally Superior Project Alternative in the Draft Revised EIR. Although the Recirculated Draft Revised EIR identified another alternative as the environmentally superior project alternative, the Board disagrees and finds that the Planning Commission Alternative remains the Environmentally Superior Project Alternative; because this alternative has the fewest number of units, it has fewer environmental impacts than any alternative. In relation to geology and soils, hydrology and water quality, wastewater treatment and disposal, traffic and circulation, air quality, noise, biological resources, cultural resources, aesthetics and public services and utilities, and potentially water depending on project cap, this alternative would have fewer impacts than the proposed project. However, this alternative was not selected for implementation because it would significantly reduce the amount of affordable onsite housing.
- (v) **Reduced Forest Impact with Twenty Percent Inclusionary Housing Alternative (72/15).** Compared to the proposed project, this alternative would have similar land use, aesthetic, and wastewater disposal impacts, but lesser hydrology and water quality impacts. It would involve fewer daily vehicle trips but similar sight distance impacts requiring improvements, fewer air emissions due to less construction and traffic, greater noise impacts than the proposed project (because more units located in proximity to Carmel Valley Road), lesser biological resources impacts because less construction, and potentially less water supply impacts than proposed project because of fewer units (depending on use

under final project cap). However, the selected 73/22 Alternative is superior to this alternative in part because the selected 73/22 Alternative has seven additional affordable housing units.

- (vi) **Reconfigured 94/15 Alternative.** When compared with the proposed project, this Alternative would result in similar impacts to the proposed project in every category, except that this Alternative would have greater biological resources impacts but less aesthetic impacts than the proposed project. Compared to the selected Alternative, the Reconfigured 94/15 Alternative has more units overall, and fewer affordable units, and thus would have greater impacts in all categories than the selected Alternative, and would not best meet project objectives.
- (vii) **82/27 Alternative.** This Alternative results in the removal of 10 lots from the pine forested area and therefore is preferable to the proposed project. It also provides 12 additional inclusionary lots. Comparatively, the selected 73/22 Alternative removes more (total of 24) lots from the pine forested area, and reduces the total number of lots approved. Although there are fewer inclusionary lots, the selected 73/22 Alternative better reduces impacts to forest resources and traffic. The 82/27 Alternative does not achieve the same reductions, and thus the 73/22 Alternative was selected for implementation as representing the best mix of reductions in environmental impact from the proposed project and, at the same time, provides affordable housing consistent with Board policies and the public interest.

29. **FINDING: RECIRCULATION NOT REQUIRED.** The Board has assessed all changes and new information identified from public comments and staff/consultant investigation since circulation of the Recirculated Draft Revised EIR in February 2006, and based on the record as a whole the Board finds that recirculation is not required. Some of the key changes are identified and addressed below (Finding 29, 29a, 29b); for other changes or new information not addressed below, the Board finds that the record as a whole and/or the nature of the changes themselves support the conclusion that recirculation is not required. See also Finding 28b, above.

Various minor changes and edits have been made to the text, tables and figures of the draft Revised EIR, as set forth in the Errata. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability. The Board finds that these changes are of a minor, non-substantive nature and do not require recirculation of the Revised EIR.

Changes to Mitigation Measures: Mitigation Measure 5-2 originally required that, at the intersection of Highway 68/Laureles Grade Road, the applicant shall modify signal and widen intersection to utilize overlap phasing to have northbound right turn lanes on Laureles Grade Road go simultaneously with the westbound Highway 68 left-turns; and modify

east bound Highway 68 approach to include one through lane and one shared through/right-turn lane.

Subsequent to release of the Revised EIR, County Public Works indicated that Transportation Agency of Monterey County fees pay for these improvements, and that applicants should not construct them. Consequently, Mitigation Measure 5-2 has been amended to require the applicant to pay fair share fees for improvements to Highway 68. This change does not affect the significance conclusion in the Revised EIR; payment of the fees is the appropriate method by which to mitigate this impact.

The following text has been added to Mitigation Measure 4.3-2: Resource Management Agency (RMA) retains discretion to require drilling of replacement wells if it is demonstrated, to the satisfaction of RMA and the Environmental Health Division, that the project wells result in impacts to an existing well in use as of the date of project approval. The terms of this mitigation measure shall be included into the Articles of Incorporation for the mutual water company. These additions strengthen this mitigation measure by providing a method for ensuring that any wells with impacts can, as a practical matter, actually be moved and still allow the project to operate.

In addition to the changes and corrections described above, the Final Revised EIR and related documents provide additional information in response to comments and questions from agencies and the public. The Board finds that this additional information does not constitute significant new information requiring recirculation, but rather that the additional information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. Specifically, the Board finds that the additional information—including the changes described above and the changes described in specific detail below, as well as other changes not specifically described herein—does not show that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft or Recirculated Draft Revised EIRs were so fundamentally and basically inadequate and conclusory in nature that

meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final Revised EIR and in the record of proceedings, including the comments on the Draft and Recirculated Draft Revised EIRs and the responses thereto, and the above-described information, the Board hereby finds that no significant new information has been added since public notice was given of the availability of Draft Revised EIR or, for recirculated material, the Recirculated Draft EIR, that would require recirculation of the Final Revised EIR.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

- 29a. **Additions To The Hydrology Analysis in Response To Comments.** In order to provide thoughtful responses to comments, the project's consulting hydrogeologist and registered geologist performed additional calculations based on issues raised in the comments. For example, in the Recirculated Draft Revised EIR, Water Years 1996 and 1997 were used to calculate recharge and drawdown. The consulting hydrogeologists continue to believe that 1996 and 1997 are sufficiently representative of normal year hydrology to support the impact conclusions of the Revised EIR. However, to address a question raised by the Monterey Peninsula Water Management District, the hydrogeologists performed supplemental calculations using Water Years 2000 and 2001 for the response to comments in the Final Revised EIR. These supplemental analyses result in values for potential recharge of 228.5-235.9 AFY. Although these values reflect a smaller amount of groundwater than the 1996 and 1997 estimates of 253 AFY of average potential recharge from the SRA to the CVA, under project conditions using 2000-2001 values, 171-178 AFY of net potential recharge is estimated to flow to the CVA. Therefore, the supplemental analyses does not change the conclusion of the Revised EIR that the proposed project would result in less than significant impacts to water supply and availability in the CVA or the SRA because both the original and supplemental analyses assumed the maximum potential reduction in recharge of total project demand, *i.e.*, 57.21 AFY. Notably, the hydrogeologist and registered geologist also concluded that the project does not result in significant impacts even in extended drought periods.

The supplemental analysis was carried forward to calculate flow reductions in the Carmel River during normal years, under which the maximum potential flow reduction was identified as 0.14 cfs during the month of October, at time at which the baseline condition of the River is typically dry. The same factors that render the original .034 cfs reduction less than significant indicate that a reduction of 0.14 cfs in the month of October also will not impede or otherwise affect migration or any other essential fishery function.

Although the Draft Revised EIR and Recirculated Revised EIR already assessed the project during the dry period from 1987-1991, in response to comments the project's

consulting hydrogeologists performed additional research and analysis and demonstrated that data in the historical record supports the conclusion that the CVA and SRA both refill efficiently on an annual basis even during extended drought periods. The hydrogeologists assessed an assertion by the Monterey Peninsula Water Management District that given a net project demand over baseline of 54.21 AFY, there could be an impact of up to a total of 270 AF over a five-year extended drought period similar to the 1987-1991 dry period. The hydrogeologists first acknowledged that this was theoretically possible and ran some general calculations which demonstrated that even this depletion would not result in a significant impact to water supply and availability in the CVA. However, the hydrogeologists then proceeded to review the historical record, which indicated based on groundwater elevation data provided by the Monterey County Water Resources Agency that groundwater levels in the SRA and CVA recovered each year *during* 1987 to 1991 to pre-drought levels; the data indicates that recovery occurs annually, except for one instance during the dry period in which the CVA required in excess of one year (19 months from beginning Fall of 1987 to the year-end of 1988) to completely refill to pre-drought levels. The hydrogeologists concluded that "[t]herefore, the District's proposed worst case scenario of 270 AF of depleted groundwater storage in the SRA (and thence the impact to the CVA) is extremely conservative and highly unlikely to occur. The analysis rather supports the conclusion that the worst case impact for reduction of recharge by the project is more closely tied to the historical record of approximately 71.5 AF over a 19 month period before water levels recovered." (Revised EIR, Technical Memo 7, p. 3.)

Based on this data the hydrogeologists then performed new water supply and biological resources impact calculations assuming that the project might result in a 1:1 reduction of recharge to the CVA, and then to the Carmel River, during this 19-month period, for a total impact of 71.5 AFY. As noted previously, even this is an extremely conservative assumption given the lack of connectivity between the CVA and SRA in dry years, the relative scale of the aquifers and attenuation of impact due to multiple pumping activities between the project and the Carmel River. The Board finds that the analysis demonstrates that well levels in the CVA and flow reductions in the Carmel River would remain less than significant even during extended drought periods.

The Board also considered comments received at and after the October 3 hearing including the hydrology analyses from Dr. Morel-Seytoux and Dr. Sanders. The project hydrogeologists Kennedy Jenks Consultants (KJC) reviewed the analyses and provided written reports dated November 11, 12 and 13 (contained in the project file) and testified to the content of those reports at the November 14 hearing. Among other things, KJC responded that their own analysis and the new analyses were not wholly inconsistent, but that the three analyses disagreed primarily over the degree and frequency of connection between the CVA and the SRA. KJC noted that the two analyses provided in comments contained some apparent or potential errors, and even disagree with each other in certain respects. KJC also noted that the comment letters did not provide sufficient data to allow KJC to verify or duplicate the results of either analysis. However, in relevant part, KJC noted that even if this data had been provided and even if the analyses provided in comments were able to be verified, because hydrogeologic analysis of the project area is inherently uncertain given current science, even so-called "verified" (i.e., duplicated) results of the two analyses provided in comments would contain the same degree of

uncertainty--or more--than the KJC analysis. Accordingly, KJC indicated that further analysis of the comment letters would not change its conclusions (which were based on interpretation of actual data rather than modeling, in the case of Dr. Morel-Seytoux, or unconventional analysis, in the case of Dr. Sanders). Further analysis, or even duplication, of the conclusions in the comment letters also would not affect the impact conclusions of the Revised EIR, because it was specifically to account for hydrologic uncertainty and public comments that the Revised EIR assumed a 1:1 impact between pumping in the SRA and impacts to the CVA, and between pumping in the SRA and the Carmel River, at the upper end of the potential impact range. This 1:1 impact analysis effectively implements the assumptions regarding connectivity that are suggested by the comment letters. The Board has already concluded that the impacts under a 1:1 analysis are less than significant.

KJC also noted that while the equation used by Dr. Morel-Seytoux in calculating a theoretical drop in water levels is generally a valid approach, it should be clarified that the water level decline associated with annual project demand occurs over one year and not instantaneously. The calculation should have been performed on a monthly time-step and interpreted on a monthly/seasonal basis. The reason that the time period for the analysis is important is because during wet periods, the aquifers (both SRA and CVA) are quite efficient at recharging and water levels generally recover quickly. KJC concludes that because the annual project demand does not occur instantaneously, the assertion that the River would dry up 90 feet farther upstream as identified by Dr. Morel-Seytoux is unrealistic. Given the degree of scientific uncertainty inherent in and qualitative nature of the analyses, it is impossible to declare one analytical approach more correct than the other. KJC stands by its analysis which reflects facts and reasonable analysis thereof, and reflects its professional judgment. It is noted that once the time interval is appropriately adjusted, the results of KJC's analysis and the results of Dr. Morel-Seytoux's analysis are within the same order of magnitude and under either conclusion, the "worst case" scenario of potential impacts to water supply and availability, and related resources, are less than significant.

Based on the foregoing and the record as a whole, the Board finds that neither the new analyses submitted in comments nor the supplemental calculations constitute significant new information affecting the severity of existing significant impacts, or implicating new significant impacts, nor do the supplemental calculations result in new mitigation measures for significant impacts, or otherwise meet the standards for recirculation under CEQA. The supplemental hydrologic calculations performed in response to comments on the Revised EIR simply confirm and clarify the analysis and conclusions already contained in the circulated Revised EIR. The hydrologic analyses provided on or after October 3 simply represent a disagreement among experts under conditions of substantial scientific uncertainty, and the Revised EIR has accounted for such uncertainty by providing a conservative "bookend" analysis of potential impacts wherein the upper range of the analysis is premised on an assumption that there is a 1:1 impact as concluded by the commentators. The Board finds that the Revised EIR analysis and these findings are based on substantial evidence; consequently, further analysis would not lead to greater certainty or otherwise affect the Board's conclusions and decision.

29b. Cumulative Impacts To Water Supplies and Aquatic Biological Resources. The

cumulative impacts analysis for water supply and aquatic biological resources was updated in two ways in response to comments. First, some foreseeable units remaining within Quail Meadows subdivision were added to cumulative water use in response to comments identifying these as reasonably foreseeable. Second, County staff indicated that the units identified for the "Dow" development are no longer reasonably foreseeable. Removing the Dow development and adding in Quail Meadows, the cumulative analysis was essentially the same (total cumulative water use was lower than the original estimate by a small amount). In the interest of providing all information likely to be requested by the public, the Revised EIR also presented a cumulative analysis that included both the Dow and Quail Meadows developments, in which cumulative water use was approximately 15 AFY more than presented in the Recirculated Draft Revised EIR. As indicated in the response to comments in the Final Revised EIR, translated into potential reductions in the Carmel River, even this unlikely scenario would not exceed the significance threshold because it would not adversely affect the key value of the River habitat below RM 3.6 as a migratory corridor from November through May. The same conclusion applies to maximum potential impact during an extended drought period.

The calculations for a "worst-case" (albeit unlikely) potential project impact to Carmel River flows of 0.034 cfs (winter migration period) to 0.14 cfs (dry period/no steelhead value) were presented in the Revised EIR. Subsequently, the calculations were reviewed to ensure accuracy, at which time the project impact analysis was confirmed and the following clarification provided; specifically, it is clarified for the record that the **0.275** cfs cumulative impact (Recirculated Draft Revised EIR, Chapter 5.0 and Final Revised EIR, Tech. Memo 6, Rev. 3.) is premised on limited connectivity between the SRA and CVA. As identified in Exhibit P, under 1:1 analysis, a "worst case" cumulative impact on a 1:1 basis would be **0.364 cfs**, which would occur only in a month similar to October 2000 (dry period/no steelhead value). The difference between 0.275 and 0.364 cfs does not change the less-than-significant conclusion of the Revised EIR for several reasons. As described in the Revised EIR, if river flow is affected at all it would only be downstream of RM 3.6, an area in which the primary value for steelhead is for passage during the winter months of November through May; the cumulative impact during that period remains as identified in the Revised EIR. Second, according to the historical record the river is dry in a month similar to October 2000, except for a single day during which average daily river flows were higher (approx. 4.4 cfs); during those dry months the "worst case" cumulative effect would be approximately .5 inch in the water table which, given corresponding depths to groundwater (e.g., approximately 17 feet in October 2000), would not significantly affect underground water supplies, riparian vegetation or other environmental resources.

Consequently, the supplemental calculations simply confirm and clarify the analysis and conclusions contained in the circulated Revised EIR, and do not constitute significant new information affecting the severity of existing significant impacts, or implicating new significant impacts, nor do the supplemental calculations result in new mitigation measures for significant impacts, or otherwise meet the standards for recirculation under CEQA.

30. **FINDING: DIFFERENCES OF OPINION REGARDING THE ENVIRONMENTAL ANALYSIS.** In making its determination to

certify the Final Revised EIR and to approve the selected 73/22 Alternative, the Board recognizes that the project implicates a number of controversial environmental issues and that a range of technical and scientific opinions exist with respect to those issues. The Board has acquired an understanding of the range of these technical and scientific opinions by its review of the Draft and Recirculated Draft Revised EIRs, the comments received on the Draft and Recirculated Draft Revised EIRs and the responses to those comments in the Final Revised EIR, as well as testimony, letters and reports regarding the Final EIR, and the balance of the record. The Board has reviewed and considered, as a whole, the evidence and analysis presented in the Draft and Recirculated Draft Revised EIRs, the evidence and analysis presented in the comments on the Draft and Recirculated Draft Revised EIRs, the evidence and analysis presented in the Final Revised EIR, the information submitted on the Final Revised EIR, and the reports prepared by the experts who prepared the EIR, the County's consultants, and by staff, addressing those comments. The Board has gained a comprehensive and well-rounded understanding of the environmental issues presented by the proposed project. In turn, this understanding has enabled the Board to make its decisions after weighing and considering the various viewpoints on these important issues. The Board accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the Final Revised EIR, as well as the evidence and other information in the record addressing the Final Revised EIR.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

- 30a. **Significance Thresholds for Water Supply and Aquatic Biological Resources.** Some comments assert that any net increase in water use as a result of development of the project site must necessarily be considered a significant impact, based on general statements related to water scarcity in the County and the regulatory actions that have been taken with respect to the Carmel River and nearby pumping. The Board disagrees. The Board finds that the significance thresholds for water supply and availability were appropriately reconsidered based on CEQA's emphasis on fact-based analysis, and on the direction of the appellate court in the September Ranch litigation to compile a revised EIR that complied with CEQA. The Board finds that it was most appropriate and consistent with CEQA to assess the impact of project water use on a fact-specific, quantitative basis. Some comments question why the Board chose a different approach from the first, invalidated EIR. In the 1998 EIR, it was simply assumed based on public perception that any impact was a significant impact; although cited in the document, the underlying regulatory documents and other evidence were not fact-specifically reviewed with reference to the nature and location of the proposed project activities. Although it is less costly and time consuming to simply adopt a "per se" threshold as was done in the

1998 EIR, the Board finds that pursuant to CEQA and judicial direction to prepare a careful assessment of project impacts, significance thresholds reflecting a quantitative (scientific/mathematical) analysis are most appropriate for the Revised EIR. Moreover, a "per se" threshold would not establish a connection between a project's impacts and mitigation, and thus would be unconstitutional and violate CEQA.

Some comments question whether the State Water Resources Control Board ("SWRCB") has issued an order stating that *any* depletion of the CVA or Carmel River is necessarily a significant water supply or fisheries impact under CEQA. This issue is addressed extensively in the Revised EIR and in the response to comments (Master Response 19). The SWRCB has not issued an order or made such a finding. The SWRCB did issue an order in 1995 regarding Cal-Am's pumping from groundwater connected to the Carmel River, but that order did not consider the specific hydrogeology of the September Ranch property. The SWRCB order was based on uncontested testimony that wells right next to the Carmel River pumped water from the River, testimony which is not relevant to the hydrogeology of the September Ranch property. The geographic areas are different. The 1995 SWRCB order was focused on the area below RM 10, nearly seven miles upstream from the area potentially affected by the proposed project, and was concerned with stranding of juvenile fish as a result of heaving pumping right next to that area of the River. In contrast, the proposed project involves minimal groundwater pumping a considerable distance from the River (850 feet), with numerous pumping activities between the proposed project in the River, and if there is any impact from the project it will occur downstream from River Mile ("RM") 3.6. The Board's fishery consultant Entrix indicates that from RM 3.6 downstream to the ocean, fishery/steelhead habitat is limited and of poor quality, that there is little to no spawning habitat, and that the primary value of flows below RM 5.5 is to facilitate passage through shallow areas. Activities within this reach of the River simply does not implicate the same concerns identified by the SWRCB; in fact, the conclusions regarding the nature and value of the habitat below RM 3.6 are supported by the SWRCB order and subsequent technical documents authored by the federal NOAA Fisheries. Based on the foregoing and all of the evidence in the record, the Board finds that there is substantial evidence in the record to support the significance thresholds adopted in the Revised EIR.

31. **FINDING: FURTHER FINDINGS REGARDING PROPOSED MITIGATION MEASURES.** The Board rejects the following measures proposed at various stages of the proceedings for the following reasons:

During the Revised EIR process, the California Department of Fish and Game and another commenter suggested eliminating or relocating certain lots, including lots located along the northern ridge of the project site near Jack's Peak Regional Park, and (from DFG) specific lots (Lots 30-58 for the proposed project) located on the eastern side of the property. These options were carefully considered. The suggestion to remove Lots 30-58 is very similar to the Planning Commission Alternative considered in the Revised EIR. Ultimately, DFG's suggestion to eliminate or relocate lots along the eastern side of the property is partially reflected in the selected 73/22 Alternative (as is DFG's and other suggestions to move lots away from Jack's Peak Regional Park, discussed below). However, the 73/22

Alternative does not remove all of the lots from the eastern side because there were relatively minimal environmental benefits from removing the remainder of the lots, and at the same time, with the lots removed the project would not be configured to provide the same level of affordable housing as in the selected 73/22 Alternative.

Although the analysis demonstrated that the placement of lots along the northern ridge near Jack's Peak Regional Park does not result in fragmentation or other significant environmental impacts, the suggestion to eliminate lots along the northern ridge is partially adopted by the Board to address public concern. Specifically, the Board directs that Lot 68 be moved from the northern ridge along Jack's Peak Regional Park and moved to an area of the project site already studied, i.e., in an area along the western boundary which reduces already less-than-significant impacts to pine trees. The northern portion of the property that would have been Lot 68, and common open space identified as Parcel D on the map dated December 2006, shall be dedicated to a non-profit and/or the Parks Department so as to ensure that the property will be owned and managed in a manner that preserves the property's value as parkland/open space. Keeping the remainder of the lots configured as proposed allowed the project to be configured to include additional affordable housing, a project priority. After balancing environmental concerns with other priorities such as affordable housing, the Board finds that the configuration and composition of the 73/22 Alternative, as modified by the Board, is in the best interests of the County as a whole.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

32. **FINDING:** **STATEMENT OF FULL COMPLIANCE WITH WRIT ISSUED IN SIERRA CLUB ET AL. V. COUNTY OF MONTEREY, MONTEREY COUNTY SUPERIOR COURT CASE NUMBERS M42485 AND M42412 (SEPT. 26, 2001).** The Board finds that the Revised EIR fully complies with the writ issued in the above-referenced litigation, which writ was issued subsequent to remittitur from the Sixth District Court of Appeal and was based on the appellate court's decision in *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99.

EVIDENCE: Draft Revised EIR dated December 2004, Recirculated Draft Revised EIR dated February 2006 and the Final Revised EIR dated July 2006 for PC95062 and PLN050001.

EVIDENCE: Administrative record including material in Planning Department files PC95062 and PLN050001.

EVIDENCE: Monterey County Superior Court writ dated September 26, 2001

32a. Each issue identified in the writ is quoted, and a response provided, below.

Issue 1: *The revised Environmental Impact Report is to investigate and analyze the baseline water conditions on the property at or around the time of the commencement of the environmental review process for this project. Baseline water figures shall reflect actual water use on the property, where possible, and methodologies for determining baseline shall be supported by evidence of actual water use on the property or, where no documentation is available, good faith estimates of actual historical use.* The Board finds that the adoption of a conservative baseline of 3 AFY in the Revised EIR fully complies with this direction.

Issue 2: *The revised Environmental Impact Report is to discuss and analyze the growth-inducing impact of mitigating increased pumping over baseline with off-site pumping reduction, including the loss of agricultural lands, and specifically the feasibility of a pumping offset on the Berube property, including water availability and pumping history on the Berube property and whether there is an actual nexus between reduced pumping on that property and increased pumping on the September Ranch property.* The Board finds that off-site pumping reductions are no longer part of the proposed project.

Issue 3: *The revised Environmental Impact Report is to discuss and analyze the asserted riparian right of the applicants, including whether such a right has been established, whether it entitles the applicants to an expanded use of water in derogation of the rights of other water users in the area, whether such a right may support a mutual water system serving the entire subdivision, and whether utilization of riparian rights may result in a growth-inducing impact.* A riparian right is an incident of the ownership of land (i.e., a property-based right) that abuts a watercourse, such as a river, stream, lake, or pond. A riparian right will also exist for a parcel that overlies the underflow of a river or other watercourse that falls within the scope of Water Code § 1201. The California courts have stated that the right is not a mere easement or appurtenance, but is part and parcel of the riparian land. It is a property-based water right that exists as a matter of law, unless the right is severed through conveyance. It is not necessary for a court to confirm the right in order for it to exist. Accordingly, the appropriate method for confirming a riparian right is to perform a chain-of-title analysis to determine whether the right has been conveyed away from the parcel.

California law recognizes a second category of property-based water rights known as overlying rights. Similar to a riparian right, an overlying right attaches to a parcel of land as an incident of ownership if the parcel sits on top of percolating groundwater. Similar to a riparian right, an overlying right is a property-based right that exists as a matter of law

unless the right is severed through conveyance; moreover, it is not necessary for a court to confirm the right in order for it to exist. Accordingly, similar to a riparian right, the appropriate method for confirming an overlying right is to perform a chain of title analysis to determine whether the right has been conveyed away from the parcel.

When the water source is located underground, the property-based right may be either riparian or overlying depending on whether the groundwater falls within the scope of Water Code § 1201 or whether it is considered to be percolating. For purposes of issuing a land use approval to subdivide property, the distinction between a riparian and overlying right makes little difference as long as the right has not been severed from the chain of title.

The Board finds that staff investigation and the legal opinion of counsel addressing the chain of title for the property, and related issues, have sufficiently established that the applicant has a property-based water right that has not been severed from the chain of title. Although the hydrology is controversial, the Board finds that the Revised EIR and the record demonstrate substantial evidence for the conclusion is that the groundwater is percolating. The Board finds that because the September Ranch property overlies percolating groundwater, the property-based water right is best characterized as an overlying right rather than a riparian right; however, the Board also finds that the same facts that support the existence of the overlying right would also support the existence of a riparian right if a court or a regulatory agency with jurisdiction was to determine that the September Ranch property overlies water that is subject to regulation under Water Code § 1201. The Board finds that its approval of the project would not be affected if the classification of the water right were to be adjudged riparian rather than overlying, because the record contains substantial evidence to support the exercise of either type of right. Moreover, the Board finds that the environmental impacts of the September Ranch project remain the same regardless of how the water right is classified, which impacts are described in the Revised EIR, the record, and in these findings.

The Board also finds that the record establishes that overlying and riparian rights of a single parcel frequently form the basis of a water supply served by a mutual water company after the parcel is subdivided. To the extent that individual portions of the project site may not overlie groundwater, the Board finds that the applicant is entitled to pump water from the property under one of at least three scenarios: (1) in the context of Water Code § 1201, pursuant to riparian rights because project hydrologists have determined that the entire September Ranch property is within the watershed of the CVA; (2) under a percolating groundwater regime, pursuant to an overlying right, because there is no operative statute or case law that states that an overlying right may not be exercised beyond the basin boundary line where the parcel boundary does extend beyond that

line; or, alternatively, (3) under a percolating groundwater regime, pursuant to an appropriative right to groundwater, the exercise of which does not require approval from any regulatory agency. Finally, the Board finds that the record establishes that the applicant's exercise of the overlying right (or, if adjudged to be subject to Water Code § 1201, the riparian right) would not result in a growth-inducing impact other than subdivision of the September Ranch property itself. This is a frequent model for subdivision water supplies within the County, and as such the use of this model here does not establish a new policy or precedent.

33. **FINDING: CERTIFICATION OF THE REVISED EIR.** The Board certifies that it has been presented with the Final Revised EIR and that it has reviewed and considered the information prior to making the following certifications, and the findings and approvals contained herein. Pursuant to 14 Cal. Code Regs. §15090, the Board certifies that the Final Revised EIR has been completed in accordance with the California Environmental Quality Act and the CEQA Guidelines contained at Title 14, California Code of Regulations. The Board certifies the Final Revised EIR for the actions described in these findings and in the Final Revised EIR. The Board further certifies that the Final Revised EIR reflects its independent judgment and analysis.
34. **FINDING: RECORD OF PROCEEDINGS.** Various documents and other materials constitute the record upon which the Board bases these findings and the approvals contained herein. The location and custodian of these documents and materials is Alana Knaster, Deputy Director, Monterey County Resource Management Agency.
35. **FINDING: MITIGATION MONITORING REPORTING PROGRAM.** In accordance with CEQA and the CEQA Guidelines, the Board must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented in the implementation of the approved project. The Board hereby adopts the Mitigation Monitoring Program attached to these findings as Exhibit B-1.

36. **DECISION AND RESOLUTION OF APPROVAL**

The Board hereby takes the following actions and makes the following approvals:

- A. The Board certifies the Final Revised EIR;
- B. The Board adopts as conditions of approval all mitigation measures and other conditions set forth in attached Exhibit B-1;
- C. The Board re-affirms and modifies the score of the Citizen's Subdivision Evaluation Committee as set forth in these findings, and adopts a passing score;
- D. The Board adopts these findings in their entirety as its findings for these actions and

approvals, pursuant to 14 Cal. Code Regs. §15091 and other requirements;

- E. Having independently reviewed and analyzed the Final Revised EIR and other evidence in the record, certified the Final Revised EIR, incorporated mitigation measures into the project as conditions of approval, and adopted findings, the Board hereby approves the Combined Development Permit for the September Ranch Project located on Carmel Valley Road in the Carmel Valley Master Plan Area consisting of the 73/22 Alternative identified in the Revised EIR, as modified by the Board after public hearing, based on the findings and evidence and subject to the recommended conditions of approval. Issuance of the Combined Development Permit encompasses the following permits and approvals:
- 1) A revised Preliminary Project Review Map & Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots, 15 inclusionary housing lots and 7 deed-restricted workforce housing lots (Workforce I – for households earning up to 140% of County median income) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 299.4 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 251.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); and annexation to the Carmel Area Wastewater District for sewage disposal; and
 - 2) A Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; and
 - 3) A Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; and
 - 4) A Use Permit for removal of a maximum of 819 protected coast live oaks; and
 - 5) An Administrative Permit for up to 97,000 cubic yards of grading in an “S” (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; and
 - 6) A Use Permit to allow development on slopes greater than 30 percent for inclusionary housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and
 - 7) An Administrative Permit for inclusionary housing, equestrian center caretaker unit/public office, a temporary tract sales office and a security gatehouse.
- F. The Board hereby adopts the Mitigation Monitoring and Reporting Plan set forth in Exhibit B-1, attached;
- G. The Board directs staff to take all actions necessary and appropriate to carry out these approvals, including filing a Notice of Determination pursuant to the requirements of the California Environmental Quality Act and the CEQA Guidelines, 14 Cal. Code Regs. §15094; and

H. The applicant is directed to provide each responsible agency with a copy of the certified, Final Revised EIR pursuant to 14 Cal. Code Regs. §15095.

PASSED AND ADOPTED on this 12th day of December, 2006, upon motion of Supervisor Armenta, seconded by Supervisor Calcagno, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, and Smith

NOES: Supervisor Potter


ABSENT: Supervisor Lindley

I, Lew Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 73, on December 12, 2006.

Dated: December 13, 2006

Lew Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California.

By:


Cynthia Juarez, Deputy

1 Michael W. Stamp, State Bar No. 72785
 Molly E. Erickson, State Bar No. 253198
 2 LAW OFFICES OF MICHAEL W. STAMP
 479 Pacific Street, Suite One
 3 Monterey, California 93940
 Telephone: (831) 373-1214
 4 Facsimile: (831) 373-0242

5 Frances M. Farina, State Bar No. 185035
 LAW OFFICES OF FRANCES M. FARINA
 6 389 Princeton Avenue
 Santa Barbara, California 93111
 7 Telephone: (805) 681-8822
 Facsimile: (805) 681-8823
 8 Email: ffarina@cox.net

9 Attorneys for Petitioners
 Sierra Club, Save Our Carmel River,
 10 Patricia Bernardi

FILED

DEC 23 2008

CONY
 CLERK OF THE SUPERIOR COURT
 DONNA D. CHACON

RECEIVED
 MONTEREY COUNTY
 2009 JAN -5 PM 12:44
 CLERK OF THE BOARD
 728 DEPUTY

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **COUNTY OF MONTEREY**

14 SIERRA CLUB, SAVE OUR CARMEL
 RIVER, PATRICIA BERNARDI,

Case No. M82632
 Filed January 12, 2007
 (Includes consolidated cases)

15 Petitioners,

16 v.

[PROPOSED] PEREMPTORY WRIT OF MANDATE

17 COUNTY OF MONTEREY, BOARD OF
 18 SUPERVISORS OF THE COUNTY OF
 MONTEREY, and DOES 1 - 25,

19 Respondents.

20 _____ /
 21 SEPTEMBER RANCH PARTNERS,
 JAMES MORGENS, and DOES 26 - 50,

22 Real Parties in Interest.

23 _____ /
 24
 25 TO THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY:
 26 WHEREAS, Judgment has been entered in this action ordering certain relief and
 27 ordering that a peremptory writ of mandate be issued from the Superior Court, and
 28

1 WHEREAS, the Superior Court has issued a Judgment directing the issuance of
2 a peremptory writ of mandate;

3 THEREFORE, YOU ARE HEREBY ORDERED AND DIRECTED promptly on
4 receipt of this writ to void the determination, finding and decision adopting Resolution
5 No. 06-363, including the approval of any permits or entitlements for the project
6 described in said Resolution, and to vacate the certification of the final revised
7 environmental impact report prepared in regard to said project and to comply with the
8 terms of the statement of decision by not taking further action to approve the project
9 without the preparation, circulation, and consideration under CEQA of a legally
10 adequate document adopted in compliance with CEQA which properly analyzes water
11 demand, water cap, and cumulative impacts as to water demand. The revised EIR
12 certified by the County contains a legally sufficient discussion on all other issues other
13 than those specified in this Paragraph.

14 Pursuant to Public Resources Code section 21168.9, subdivision (c), the Court
15 does not direct Respondents to exercise their discretion in any particular way.

16 Witness the Honorable Susan M. Dauphiné, ~~Retired~~ Judge of the Superior Court.

17 ATTEST my hand and the seal of this Court on this ~~22~~ day of _____,
18 2008.


19 Dated: _____, 2008

Connie Mazzei, Clerk

21 DEC 23 2008

_____, Deputy

22 Approved:

23 
24 _____
SUSAN M. DAUPHINE

25 Honorable Susan M. Dauphiné
26 Judge of the Superior Court

27 _____
Date

1 Michael W. Stamp, State Bar No. 72785
Molly E. Erickson, State Bar No. 253198
2 LAW OFFICES OF MICHAEL W. STAMP
479 Pacific Street, Suite One
3 Monterey, California 93940
Telephone: (831) 373-1214
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LAW OFFICES OF FRANCES M. FARINA
6 389 Princeton Avenue
Santa Barbara, California 93111
7 Telephone: (805) 681-8822
Facsimile: (805) 681-8823
8 Email: ffarina@cox.net

9 Attorneys for Petitioners
Sierra Club, Save Our Carmel River,
10 Patricia Bernardi

RECEIVED
MONTEREY COUNTY
2009 JAN 30 PM 4:18
CLERK OF THE BOARD

DEPUTY

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF MONTEREY

14 SIERRA CLUB, SAVE OUR CARMEL
RIVER, PATRICIA BERNARDI,
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(Includes consolidated cases)

17 v.
18 COUNTY OF MONTEREY, BOARD OF
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19
20 Respondents.

**[PROPOSED] PEREMPTORY WRIT
OF MANDATE**

21 SEPTEMBER RANCH PARTNERS,
JAMES MORGENS, and DOES 26 - 50,
22
23 Real Parties in Interest.

24 TO THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY:
25 WHEREAS, Judgment has been entered in this action ordering certain relief and
26 ordering that a peremptory writ of mandate be issued from the Superior Court, and
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1 WHEREAS, the Superior Court has issued a Judgment directing the issuance of
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11 demand, water cap, and cumulative impacts as to water demand. The revised EIR
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14 Pursuant to Public Resources Code section 21168.9, subdivision (c), the Court
15 does not direct Respondents to exercise their discretion in any particular way.

16 Witness the Honorable Susan M. Dauphiné, ~~Retired~~ Judge of the Superior Court.

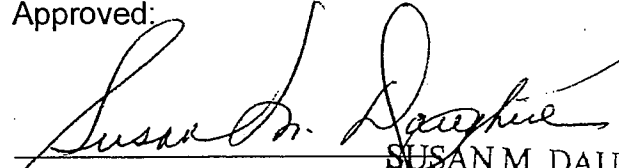
17 ATTEST my hand and the seal of this Court on this ~~23~~ day of _____,
18 2008.

19 Dated: JAN 23 2009, 2008

Connie Mazzei, Clerk

21 DEC 23 2008

DONNA D. CHACON, Deputy

22 Approved:
23 
24 SUSAN M. DAUPHINE
25 Honorable Susan M. Dauphiné
26 Judge of the Superior Court

27 _____
Date

28

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF MONTEREY

I am employed in the County of Monterey, State of California. I am over the age of 18 and not a party to the within action. My business address is 479 Pacific Street, Suite One, Monterey, California 93940.

On January 29, 2009, I served the document described as follows:

PEREMPTORY WRIT OF MANDATE

on the parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as shown below, and

(X) placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with first class postage fully prepaid.

Addressed as follows:

Steven P. Saxton
Downey Brand LLP
555 Capitol Mall, Tenth Floor
Sacramento, CA 95814-4686

Denise Pennell
Clerk to the Board
Office of the Clerk to the Board
168 West Alisal Street, 1st Floor
Salinas, CA 93901

Stephen Kostka
Bingham McCutchen LLP
P.O. Box V
Walnut Creek, CA 94596-1270

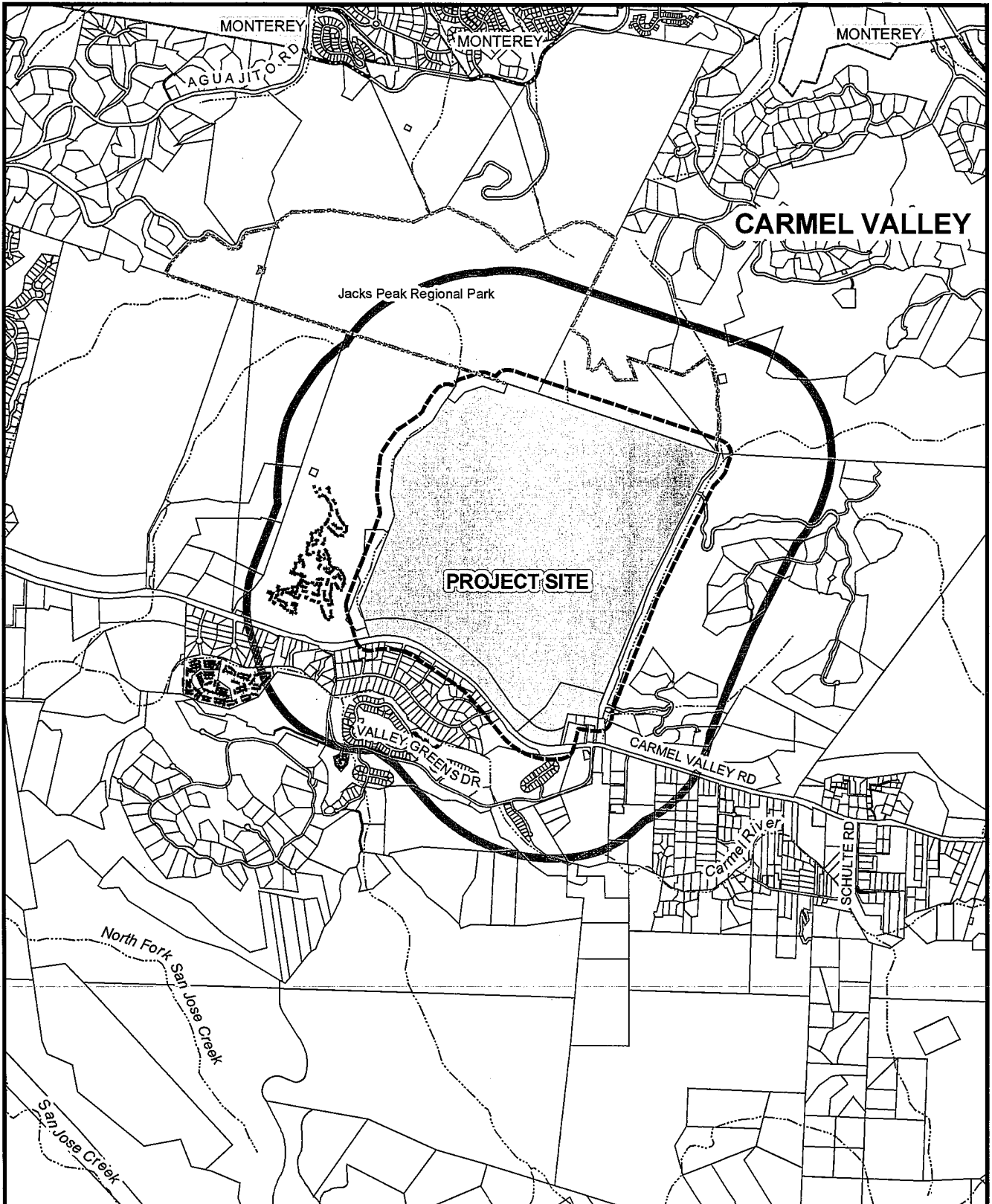
Wendy Strimling
Deputy County Counsel
Office of the County Counsel
168 West Alisal Street, 3rd Floor
Salinas, CA 93901







Charles J. McKee
County Counsel
Office of the County Counsel
168 West Alisal Street, 3rd Floor
Salinas, CA 93901

Executed and mailed on January 29, 2009, at Monterey, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Olga Mikheeva



APPLICANT: SEPTEMBER RANCH PARTNERS		 	
APN: 015-171-010-000M	FILE # PLN050001 & GPZ050001		
 300' Limit	 2500' Limit	 City Limits	

PLANNER: KNASTER

EXHIBIT D

EXHIBIT E

Final Revised Water Demand Analysis

(Transmitted Under Separate Cover)

**Action by Land Use Advisory Committee
Project Referral Sheet**

Planning & Building Inspection Department
2620 First Ave
Marina, California
(831) 883-7500

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by Monday, March 21, 2005.

Project Title: SEPTEMBER RANCH

File Number: PLN050001

File Type: SUB

Planner: KNASTER, *Alana*

Location: CARMEL VALLEY RD CARMEL

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF THE SUBDIVISION OF 891 ACRES INTO 95 MARKET-RATE RESIDENTIAL LOTS, 15 UNITS OF INCLUSIONARY HOUSING, AND A 20.2 ACRE LOT FOR THE EXISTING EQUESTRIAN FACILITY; 782.8 ACRES IS PROPOSED AS OPEN SPACE. OTHER APPURTENANT FACILITIES AND USES WOULD INCLUDE SEPARATE SYSTEMS FOR THE DISTRIBUTION OF POTABLE WATER, WATER TANKS FOR FIRE SUPPRESSION, A SEWAGE COLLECTION AND TREATMENT SYSTEM, WASTE WATER TREATMENT SYSTEM, DRAINAGE SYSTEM, INTERNAL ROAD SYSTEM, COMMON OPEN SPACE, TRACT SALES OFFICE AND SECURITY GATE. RELATED PROJECT (GPZ050001) INCLUDES AN AMENDMENT TO THE CARMEL VALLEY MASTER PLAN LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL, 2.5 ACRES PER UNIT TO MEDIUM DENSITY RESIDENTIAL, 5 UNITS PER ACRE AND A ZONING RECLASSIFICATION TO SECTION 17C (MAPS) OF TITLE 21 FROM "LDR/2.5-D-S" TO "MDR-5-D-S" TO ALLOW CLUSTERING OF THE INCLUSIONARY HOUSING UNITS. THE PROPERTY IS LOCATED ON CARMEL VALLEY ROAD (ASSESSOR'S PARCEL NUMBER 015-171-010-000). SITE IMPROVEMENTS WOULD REQUIRE APPROXIMATELY 100,000 CUBIC YARDS OF GRADING, AND A TREE REMOVAL PERMIT. THE PROJECT WOULD ALSO REQUIRE A WAIVER OF COUNTY REGULATIONS PROHIBITING DEVELOPMENT ON SLOPES IN EXCESS OF 30 PERCENT TO ALLOW FOR THE CONSTRUCTION OF INTERNAL ACCESS ROADS.

Was the Owner J. Morgans Applicant/Representative Present at Meeting? Yes No

PUBLIC COMMENT:

- Scott Thompson: Del mesa ^{resident &} representative (16)
see Attachment A (pp) concerns of residents.

Keyelement Water supply: Initial study states one thing
& how it is listed as local aquifer.

- a) Too many questions to support project as presented.
- b) Highest & best use — see density.

- Ken Hinshaw — concerned that there should be
a Preservation Plan for all the buildings
as Historic.

Exhibit F

(see ppp cont'd)

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

- trees are measured at 6" circumference
- Do not believe monies allotted for road fees + mitigation adequate enough.

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

- Requires amendments to CV Master Plan
- Analysis for road not accurate
- Need final EIR
- Given incomplete information

Exhibit F

Page 2 of 3 Pages

ADDITIONAL LUAC COMMENTS:

see attached pages of comments

- 1. Incomplete project information lacking a Final Revised DEIR
- 2. Unanswered questions regarding water supply. (1) DEIR analysis used different base lines, e.g., 3 acre feet vs. 90 ac. ft., (2) DEIR finding that the project would use less water than currently because of the use of reclaimed water to irrigate the pasture even though less than 90 ac.ft/year would be generated through reclamation, (3) Questions raised in numerous letters.
- 3. Traffic mitigation fee may not reduce impacts to less than significant because fee is directed to projects which are not under construction or even proposed by the County
- 4. Impact on biological resources is found insignificant even though DEIR found that fragmentation of the forest would increase the potential for pitch canker and other diseases.
- 5. Failing a finding of significant impact on biological resources, the DEIR does not address an alternative that would reduce the impacts on the pine forest and oak woodlands to less than significant

S. Wood motioned and V. Rugg seconded

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

Typed motion above - easier to read this way.

CONCUR WITH RECOMMENDATION:

AYES: J. Anzini, J. Brennan, S. Wood, V. Rugg

NOES: 0

ABSENT: T. Oliver

ABSTAIN:

MEETING ADJOURNED AT: 8:48 pm

Exhibit F