

MONTEREY COUNTY PLANNING COMMISSION

Meeting: November 14, 2012 Time: 9:30 A.M Agenda Item No.: 3	
Project Description: Consider a follow-on Combined Development Permit consisting of: 1) a Coastal Development Permit and Design Approval for water system improvements including the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 4) a Coastal Development Permit to allow development on slope exceeding 30 percent; 5) a Coastal Development Permit to allow development with positive archaeological reports; and grading (approximately 90 cubic yards of cut). Related to PLN090207 (Emergency Coastal Development Permit).	
Project Location: 35681 and 35781 Highway 1, Big Sur	APNs: 243-301-021-000, 243-301-029-000, and 243-301-030-000
Planning File Number: PLN110027	Property Owners: Dana and Jane Forsberg; Yolanda and Ron Gurries Family Partnership Applicant/Water System Owner: Garrapata Water Company, Inc. Agent: Lisa Kleissner
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: No
Zoning Designation: WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, Design Control District Overlay (Coastal Zone)]	
CEQA Action: Mitigated Negative Declaration per CEQA Guidelines Section 15070(b)	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Adopt the Mitigated Negative Declaration (**Exhibit F**); and
- 2) Approve a Combined Development Permit (PLN110027), based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan (**Exhibit C**).

PROJECT OVERVIEW:

PLN110027 is related to Emergency Coastal Development Permit (ECDP) PLN090207, granted by the Zoning Administrator on June 12, 2009 (**Exhibit H**). PLN110027 consists of the follow-on permit authorization for water system improvements completed under PLN090207. The work authorized and completed under the ECDP consisted of the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks on an improved foundation within the existing developed footprint, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area. See **Exhibit B** for a more detailed discussion of issues.

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

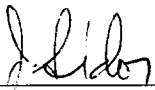
RMA - Public Works Department
Environmental Health Bureau

Water Resources Agency
CALFIRE Coastal (Fire Protection District)
California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by the RMA – Planning Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The Big Sur Coast LUAC unanimously recommended approval with changes at a public meeting held on March 13, 2012 (**Exhibit E**).

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



Joseph Sidor, Associate Planner
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November 5, 2012

cc: Front Counter Copy; Planning Commission; CALFIRE Coastal (Fire Protection District); RMA - Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; California Department of Public Health; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Garrapata Water Company, Water System Owner; Dana and Jane Forsberg, Property Owner; Yolanda and Ron Gurries Family Partnership, Property Owner; Lisa Kleissner, Agent; The Open Monterey Project; LandWatch; David Sweigert (c/o Fenton & Keller); Planning File PLN110027

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval and Mitigation Monitoring and Reporting Program
• Site Plan
Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (Big Sur Coast LUAC)
Exhibit F Mitigated Negative Declaration
Exhibit G Technical Reports (on CD)
• Biological Impact Assessment (August 2011)
• Visual Impact Assessment (August 2011)
Exhibit H Zoning Administrator Resolution 090207 (June 12, 2009) (on CD)
• Preliminary Biological Assessment (June 2009)
• Preliminary Geotechnical Soil Evaluation (June 2009)

This report was reviewed by Laura Lawrence, Planning Services Manager.



EXHIBIT A

Project Information for PLN110027

Project Information:

Project Name:	GARRAPATA WATER SYSTEM		
Location:	35681 & 35781 HWY 1 BIG SUR		
Permit Type:	Combined Development Permit		
Environmental Status:	Mitigated Negative Declaration	Final Action Deadline (884):	7/16/2012
Existing Structures (sf):	810	Coverage Allowed:	518000
Proposed Structures (sf):	1000	Coverage Proposed:	1000
Total Sq. Ft.:	1810	Height Allowed:	30
Tree Removal:	0	Height Proposed:	18
Water Source:	N/A	FAR Allowed:	N/A
Water Purveyor:	N/A	FAR Proposed:	N/A
Sewage Disposal (method):	N/A	Lot Size:	119
Sewer District:	N/A	Grading (cubic yds.):	90

Parcel Information:

Primary APN:	243-301-021-000	Seismic Hazard Zone:	RELATIVELY STABLE
Applicable Plan:	Big Sur Coast LUP	Erosion Hazard Zone:	LOW
Advisory Committee:	BIG SUR	Fire Hazard Zone:	HIGH
Zoning:	WSC/40-D (CZ)	Flood Hazard Zone:	N/A
Land Use Designation:	WATERSHED & SCENIC CONSERVATION	Archaeological Sensitivity:	HIGH
Coastal Zone:	YES	Viewshed:	BIG SUR CRITICAL
Fire District:	CALFIRE COASTAL	Special Setbacks on Parcel:	N

Reports on Project Parcel:

Soils Report #:	LIB110480
Biological Report #:	LIB110482
Geologic Report #:	N/A
Forest Management Rpt. #:	N/A
Archaeological Report #:	LIB100010
Traffic Report #:	N/A

EXHIBIT B
PROJECT DISCUSSION

PLN110027 – Garrapata Water System

Planning Commission
November 14, 2012

EXHIBIT B PROJECT DISCUSSION

Project Description

PLN110027 is related to Emergency Coastal Development Permit (ECDP) PLN090207, granted by the Zoning Administrator on June 12, 2009. PLN110027 consists of the follow-on permit authorization for water system improvements completed under PLN090207. The Applicant submitted an application on June 5, 2009, to request an emergency permit for improvements to the Garrapata Water System. The Monterey County Environmental Health Bureau (EHB) concurred with this request and verified in a telephone conversation with the project planner on June 12, 2009, that an emergency existed due to a boiled water order imposed on the water system. Lack of potable water caused a situation that was detrimental to the safety, health, and general welfare of the residents. The improvements/upgrades were required to meet filtration and time requirements for chlorinated water contact, and to ensure the delivery of safe drinking water per State health and safety standards to the properties served by the Garrapata Water System.

The work authorized and completed under the ECDP consisted of the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks on an improved foundation within the existing developed footprint, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area. The Applicant completed the demolition and construction work associated with the ECDP on or about October 25, 2010.

The follow-on entitlements include a Combined Development Permit consisting of:

- 1) Coastal Development Permit and Design Approval for water system improvements including the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area;
- 2) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat;
- 3) Coastal Development Permit to allow development within the Big Sur Critical Viewshed;
- 4) Coastal Development Permit to allow development on slope exceeding 30 percent;
- 5) Coastal Development Permit to allow development with positive archaeological reports; and grading (approximately 90 cubic yards of cut).

The three project parcels have a combined acreage of approximately 119 acres; however, the project area comprises a much smaller area of approximately 2,100 square feet (approximately 0.05 acres) including the well equipment enclosure (approximately 600 square feet) and the water tank area (approximately 1,500 square feet). The well equipment enclosure includes the well and the 120 square foot filtration system shed. It is a level area near Garrapata Creek, located on Assessor's Parcel Number 243-301-029-000. The new distribution pipe begins at the well equipment enclosure, traverses Assessor's Parcel Number 243-301-030-000, and ends at the water tank pad on Assessor's Parcel Number 243-301-021-000.

Project Issues

Cultural Resources:

The project site is in an area identified in County records as having a high archaeological sensitivity, and the archaeological report prepared for the project identified known archaeological resources within the vicinity of the project parcels, but not within the area of the project sites. The project did not result in significant ground disturbance, and construction activity occurred primarily within previously-disturbed areas at the well site and the water tank site. Examination of the project site and surrounding area during field reconnaissance revealed no evidence for potential impacts to archaeological resources, did not identify any previously unrecorded archaeological resources, and the archaeologist concluded that monitoring of construction activities was not warranted.

Land Use & Planning:

Replacement/construction of the water tanks and treatment facility, in the same general location of the existing structures, is consistent with the existing land use designations. The improvements were required to ensure the delivery of safe drinking water to the properties served by the Garrapata Water System, which is consistent with Policy 21 of the 1982 General Plan (GP) to ensure protection and enhancement of the County's water quality for domestic and other uses. The improvements did not result in intensification of use or a requirement for a new or additional water supply. The Garrapata Water System has a limited number of identified residential lots that it may serve. Any proposal to add lots and/or connections to the water system would require review and approval by EHB to ensure an adequate quantity of water is available.

Slope Exceeding 30 Percent:

The project includes application for development on slopes exceeding 30 percent, involving the installation of transmission pipe from the well site to the water tank site. GP Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels does not provide a route between the sites that does not involve development on slope exceeding 30 percent. The County had reviewed the project plans and visited the site to analyze possible development alternatives. Given the terrain from the well site to the tank site, there is no feasible alternative that would avoid development on slope greater than 30 percent, so the development is consistent with applicable policies and the exception may be granted.

Visual Resources:

The project site is located within a scenic vista and along a scenic road or highway, and the project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. A specific component of the water system (i.e., two water storage tanks) is partially visible from the scenic highway, Highway 1. The water tanks are also visible from a vista point turnout on SR 1, approximately one-tenth of a mile southwest of the property entrance. The water storage capacity was increased (from two 13,000 gallon tanks to two 32,000 gallon tanks) to improve the performance of the water system and to meet state-mandated guidelines regarding water quality; however, the replacement of the water tanks did not materially increase the structural visibility of project infrastructure as compared to the existing water tanks such that an adverse visual effect occurred. The new water tanks were installed/constructed in approximately the same location, and did not damage or intrude upon the critical viewshed by introducing new

adverse elements into the viewshed. The new water tanks, although larger, are of a similar structural appearance to the previous water tanks on the project site, and did not result in a noticeable enlargement of the tanks from viewpoints in the critical viewshed (i.e., from Highway 1). Moreover, the site of the water tanks is partially obscured from the critical viewshed by existing topography and vegetation/trees. In addition, the Big Sur Coast Land Use Plan, Section 3.2.5, allows exceptions for essential structures and utilities, including water tanks. Staff's review of this project finds that it meets the intent of the applicable policies regarding visual resources. Therefore, the project is consistent with the scenic resource policies in Chapter 3.2 of the Big Sur Coast Land Use Plan.

In the County's independent judgment, implementation of the system improvements resulted in less-than-significant adverse impacts on views and visual character. However, the applicant shall further reduce the visual impact of the new water tanks by implementing Mitigation Measure Nos. 1 and 2 to repaint the water tanks to a darker color and to remove the water tank company sign so it is not visible from Highway 1 (Condition Nos. 7 and 8). In addition, the County will apply a non-standard landscaping condition of approval to the project resolution requiring the applicant to plant native shrubs in the foreground of the water tank site to further obscure the water tanks when viewed from Highway 1 (Condition No. 6). The project, as conditioned and mitigated, is consistent with policies of the Big Sur Land Use Plan dealing with visual resources and will not have a significant impact on the critical viewshed.

Biological Resources:

The pre-construction biological report prepared for the project identified the following conditions with regard to biological resources at the project site:

- 1) Water tank site – The surrounding hill slope is vegetated with Northern Coastal Scrub habitat characterized by low, dense shrub cover including a variety of native and non-native species. The biologist also identified occasional seacliff buckwheat, the host plant for the federally-listed/endangered Smith's blue butterfly. The area immediately surrounding the existing concrete pad is vegetated mostly with non-native, weedy species, including ice plant, French broom, annual grasses and large mats of crabgrass. Expansion of the concrete pad for the new water tanks had the potential to impact up to six (6) individual seacliff buckwheat plants, but did not result in any impacts to the existing plants in the vicinity. No other potentially significant biological resources or special status species were identified in this area.
- 2) Underground installation of transmission pipeline – The project involved the replacement installation of approximately 600 linear feet of transmission pipe in a shallow trench from the water tank site down an existing dirt road to the top of the ridge above Garrapata Creek. This area is also vegetated with Northern Coastal Scrub habitat, and includes widely scattered, very low density seacliff buckwheat. The installation of the pipeline involved the mowing of a narrow strip of vegetation on the hill slope and then trenching with a hand-held ditch-witch. The biologist recommended flagging the seacliff buckwheat plants, and aligning the pipeline route to avoid impacting buckwheat shrubs, which was avoided during construction activities. No other potentially significant biological resources or special status species were identified along the pipeline route.
- 3) Replace overland pipeline - The project involved the replacement installation of approximately 600 linear feet of transmission pipe between the well enclosure and the top of the ridge above Garrapata Creek. The pipeline crosses the stream channel on an elevated cable support, and proceeds overland uphill to the point of connection with the underground pipe. The area was originally a canopy of Northern Coastal

Scrub vegetation; however, the area is now covered with dense cape ivy, which has replaced natural habitat above Garrapata Creek in this particular area. No trenching or ground disturbance occurred for this portion of the replacement transmission pipe. The biologist concluded that the elevated crossing above the Garrapata Creek stream channel would not impact riparian habitat, and most other existing vegetation along the pipeline route had been replaced by undesirable and highly invasive cape ivy.

- 4) Well Enclosure Accessory Structure – The well enclosure does not support native vegetation.

As noted above, the pre-construction biological report indicated the presence of seacliff buckwheat in the area of the water tanks and the underground portion of the transmission pipeline. The ECDP (PLN090207) required the monitoring of construction activities by a qualified biologist, specifically to ensure avoidance of the seacliff buckwheat; however, the applicant did not ensure the presence of a qualified biological monitor on the site during construction activities. Nevertheless, the post-construction biological report prepared for the project concluded that no impacts occurred to this sensitive species. All buckwheat plants were flagged prior to the initiation of construction and were avoided during construction. No buckwheat plants were removed as a result of the project and no impacts occurred to the federally-listed Smith's blue butterfly. The assessment included pre- and post-construction site visits, and review of pre- and post-construction photographs. All areas that were disturbed as part of the project were appropriately revegetated subsequent to the disturbance.

Based on the information in the pre-construction biological report, and pre-construction site visits, the project avoided impacts by design. All buckwheat plants within the project area that had the potential to be impacted were identified and flagged. The tank configuration and pipeline alignment were then designed to avoid all individual buckwheat plants. Although a qualified biologist was not present during construction activities, a qualified biologist evaluated the project site post-construction. During the site visit all the flags previously placed prior to construction were identified and all the buckwheat plants were left intact and unaffected by construction activities. Therefore, installation of the water system improvements did not result in an adverse change to the biological quality of the project area or disruption to habitat value. In addition, all areas that were disturbed as part of the project were appropriately revegetated subsequent to the disturbance caused by construction activities. The project, as implemented, is consistent with the natural habitat protection policies in Chapter 3.3 of the Big Sur Land Use Plan.

Environmental Review

The Monterey County Planning Department prepared an Initial Study pursuant to CEQA and a Mitigated Negative Declaration (SCH#2012091006) was filed with the County Clerk on September 4, 2012, noticed for public review and circulated to the State Clearinghouse from September 5 to October 4, 2012 (**Exhibit F**). In addition, to ensure adequate public review, the review period was extended to October 8, 2012. No comments were received during the public review period, no revisions have been made to the Initial Study, and no unresolved issues remain. The Initial Study identified potentially significant effects relative to biological and visual resources, air quality, geology and soils, greenhouse gas emissions, and noise. A Mitigation Monitoring and Reporting Plan (MMRP) that includes two mitigation measures regarding visual resources (Aesthetics) has been prepared, and is designed to further reduce the project's impacts. As noted above, Mitigation Measure No. 1 will ensure the color of the water tanks will make them blend more into the surrounding vegetation and environment. Mitigation Measure No. 2 will ensure that the water tank company name sign is not visible from Highway 1.

Recommendation

Staff recommends that the Planning Commission consider and adopt the Mitigated Negative Declaration, approve a Combined Development Permit (PLN110027), based on the findings and evidence and subject to the conditions of approval, and adopt the Mitigation Monitoring and Reporting Plan.

EXHIBIT C
DRAFT RESOLUTION w/attachments

PLN110027 – Garrapata Water System

Planning Commission
November 14, 2012

**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:

GARRAPATA WATER COMPANY, INC. (PLN110027)

RESOLUTION NO. 12 –

Resolution by the Monterey County Hearing Body:

- 1) Adopting a Mitigated Negative Declaration per CEQA Guidelines Section 15070(b);
- 2) Approving a Combined Development Permit consisting of a Coastal Development Permit and Design Approval for water system improvements including the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area, a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat, a Coastal Development Permit to allow development within the Big Sur Critical Viewshed, a Coastal Development Permit to allow development on slope exceeding 30 percent, a Coastal Development Permit to allow development with positive archaeological reports, and grading (approximately 90 cubic yards of cut); and
- 3) Adopting a Mitigation Monitoring and Reporting Plan.

[PLN110027, Dana and Jane Forsberg, Yolanda and Ron Gurries Family Partnership, Garrapata Water Company, Inc., 35681 and 35781 Highway 1, Big Sur, Big Sur Coast Land Use Plan (APNs: 243-301-021-000, 243-301-029-000, and 243-301-030-000)]

The Garrapata Water Company application (PLN110027) came on for public hearing before the Monterey County Planning Commission on November 14, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

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

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Big Sur Coast Land Use Plan;
- Monterey County Coastal Implementation Plan Part 3; and
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 35681 and 35781 Highway 1, Big Sur (Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000), Big Sur Coast Land Use Plan. The parcels (project sites) are zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)], which allows water system facilities serving 15 or more connections with a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted site inspections on June 9, 2009, and March 13, 2012, to verify that the project on the subject parcels conforms to the plans listed above.
- d) Slope: Development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Big Sur Coast Land Use Plan than other development alternatives. See Finding No. 7.
- e) Environmentally Sensitive Habitat Area (ESHA): Development within 100 feet of ESHA must minimize impacts in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20). See Finding No. 8.
- f) Big Sur Critical Viewshed: The project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. The Big Sur Coast Land Use Plan, Section 3.2.5, allows exceptions for essential structures and utilities, including water tanks. The County finds that this project meets the intent of the applicable policies regarding visual resources. The subject project minimizes development within the viewshed in accordance with the goals and policies of the applicable land use plan and zoning codes. See Finding No. 9.
- g) Cultural (archaeological) resources: The project site is in an area identified in County records as having a high archaeological sensitivity, and the archaeological report prepared for the project identified known archaeological resources within the vicinity of the project parcels, but not within the area of the project sites. The project did not result in significant ground disturbance, and construction activity occurred

primarily within previously-disturbed areas at the well site and the water tank site. Examination of the project site and surrounding area during field reconnaissance revealed no evidence for potential impacts to archaeological resources, did not identify any previously unrecorded archaeological resources, and the archaeologist concluded that monitoring of construction activities was not warranted.

- h) The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involved development requiring CEQA review and a Design Approval subject to review by the Planning Commission. The LUAC unanimously recommended project approval with changes at a public meeting held on March 13, 2012. The LUAC recommended painting the water tanks a darker color, painting over the sign on the water tanks, and planting shrubs in the foreground of the water tank site to further obscure the water tanks when viewed from Highway 1. These recommendations have been incorporated into the project conditions of approval (Condition Nos. 6, 7, and 8).
- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN090207 and PLN110027.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Cultural (Archaeological) Resources, Biological Resources, Soil/Slope Stability, and Visual Resources. The following reports have been prepared:
 - Preliminary Cultural Resources Reconnaissance (Archaeological Report) (LIB100010), prepared by Susan Morley, Pacific Grove, California, August 2009
 - Preliminary Geotechnical Soil Evaluation (LIB110480), Grice Engineering and Geology, Inc., Salinas, California, June 10, 2009.
 - Preliminary Biological Assessment (LIB110481), Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 10, 2009.
 - Biological Impact Assessment (LIB110482), Denise Duffy & Associates, Monterey, California, August 2011.
 - Visual Impact Assessment (LIB110483), Denise Duffy & Associates, Monterey, California, August 2011.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff

has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted site inspections on June 9, 2009, and March 13, 2012, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN090207 and PLN110027.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The imposition of a boiled water order due and the subsequent lack of potable water caused a situation that was detrimental to the safety, health, and general welfare of the residents. The improvements/upgrades were required to meet filtration and time requirements for chlorinated water contact, and to ensure the delivery of safe drinking water per State health and safety standards to the properties served by the Garrapata Water System.
 - c) See Finding Nos. 1, 2, 4, and 5, and supporting evidence.
 - d) Staff conducted site inspections on June 9, 2009, and March 13, 2012, to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN090207 and PLN110027.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject properties.
 - b) Staff conducted site inspection on June 9, 2009, and March 13, 2012, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project

applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN090207 and PLN110027.

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN110027).
 - c) The Initial Study identified several potentially significant effects, but the Applicant has agreed to proposed mitigation measures that mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition No. 5).
 - e) The Draft Mitigated Negative Declaration ("MND") for PLN10027 was prepared in accordance with CEQA and circulated for public review from September 5 through October 8, 2012 (SCH#: 2012091006).
 - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
 - g) A Mitigation Monitoring and Reporting Plan (MMRP) that includes two mitigation measures regarding visual resources (Aesthetics) has been prepared, and is designed to further reduce the project's impacts. Mitigation Measure No. 1 will ensure the color of the water tanks will make them blend more into the surrounding vegetation and environment. Mitigation Measure No. 2 will ensure that the water tank company name sign is not visible from Highway 1.
 - h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning

Department (PLN090207 and PLN110027) and are hereby incorporated herein by reference.

- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports seacliff buckwheat, the host plant for the federally-listed Smith's blue butterfly. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- j) No comments from the public were received.
- k) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject project sites are not described as areas where the Local Coastal Program requires public access (Figure 3, Trails Plan, in the Big Sur Coast Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over the project site.
 - d) The project planner conducted site inspections on June 9, 2009, and March 13, 2012.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN090207 and PLN110027.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit has been met.

- b) The project includes application for development on slopes exceeding 30 percent, involving the installation of transmission pipe from the well site to the water tank site. GP Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. In addition, Policy 3.7.3.A.1 of the Big Sur Coast Land Use Plan directs that all development be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels does not provide a route between the sites that does not involve development on slope exceeding 30 percent. The County had reviewed the project plans and visited the site to analyze possible development alternatives. Given the terrain from the well site to the tank site, there is no feasible alternative that would avoid development on slope greater than 30 percent, so the development is consistent with applicable policies.
- c) The subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the applicable area plan and zoning codes. The transmission pipe route from the well site to the water tank site is the most direct, and followed the route of the existing transmission pipe.
- d) PLN110027 is a follow-on permit for work already completed under PLN090207. Conditions of approval to assure compliance with MCC Section 20.64.230.E.2 are not required.
- e) The project planner conducted site inspections on June 9, 2009, and March 13, 2012.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN090207 and PLN110027.

8. **FINDING:** ESHA – The subject project minimizes impacts to areas within 100 feet of environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable land use plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit has been met.
 - b) Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As designed and conditioned, the project is consistent with applicable policies regarding protection of natural resources.
 - c) Policy 3.3.2.1 of the Big Sur Coast Land Use Plan directs that development in ESHA shall not be permitted if it results in potential disruption to habitat value. The County reviewed the plans for the installation/construction of the water system improvements, and concurs it is the minimum amount of work required and minimized the potential impacts to resources.
 - d) The pre-construction biological report indicated the presence of seacliff

buckwheat in the area of the water tanks and the underground portion of the transmission pipeline. Based on the information in the pre-construction biological report, and pre-construction site visits, the project avoided impacts by design. All buckwheat plants within the project area that had the potential to be impacted were identified and flagged, and the tank configuration and pipeline alignment were then designed to avoid all individual buckwheat plants.

- e) The post-construction biological report prepared for the project concluded that no impacts occurred to this sensitive species. All flags previously placed prior to construction were identified and all the buckwheat plants were left intact and unaffected by construction activities. No buckwheat plants were removed as a result of the project and no impacts occurred to the federally-listed Smith's blue butterfly. Therefore, installation of the water system improvements did not result in an adverse change to the biological quality of the project area or disruption to habitat value. In addition, all areas that were disturbed as part of the project were appropriately revegetated subsequent to the disturbance caused by construction activities.
- f) The project planner conducted site inspections on June 9, 2009, and March 13, 2012, to verify ESHA locations and potential project impacts to ESHA.
- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN090207 and PLN110027.

9. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit has been met.
 - b) A specific component of the water system (i.e., two water storage tanks) is partially visible from the Highway 1, a designated scenic highway. The water tanks are also visible from a vista point turnout on Highway 1, approximately one-tenth of a mile southwest of the property entrance. The water storage capacity was increased (from two 13,000 gallon tanks to two 32,000 gallon tanks) to improve the performance of the water system and to meet state-mandated guidelines regarding water quality; however, the replacement of the water tanks did not materially increase the structural visibility of project infrastructure as compared to the existing water tanks such that an adverse visual effect occurred. The new water tanks were installed/constructed in approximately the same location, and did not damage or intrude upon the critical viewshed by introducing new adverse elements into the viewshed. The new water tanks, although larger, are of a similar structural appearance to the previous water tanks on the project site, and did not result in a noticeable enlargement of the tanks from viewpoints in the critical viewshed (i.e., from Highway 1 or the vista point). Moreover, the site

of the water tanks is partially obscured from the critical viewshed by existing topography and vegetation/trees.

- c) The Big Sur Coast Land Use Plan, Section 3.2.5, allows exceptions for essential structures and utilities, including water tanks. The County finds that this project meets the intent of the applicable policies regarding visual resources. The project, as conditioned and mitigated, is consistent with policies of the Big Sur Land Use Plan dealing with visual resources and will not have a significant impact on the critical viewshed.
- d) In the County's independent judgment, implementation of the water system improvements resulted in less-than-significant adverse impacts on views and visual character. However, the applicant shall further reduce the visual impact of the new water tanks by implementing Mitigation Measure Nos. 1 and 2 to repaint the water tanks to a darker color and to remove the water tank company sign so it is not visible from Highway 1 (Condition Nos. 7 and 8). In addition, the County will apply a non-standard landscaping condition of approval to the project resolution requiring the applicant to plant native shrubs in the foreground of the water tank site to further obscure the water tanks when viewed from Highway 1 (Condition No. 6).
- e) The project planner conducted site inspections on June 9, 2009, and March 13, 2012, to verify that the project minimizes development within the viewshed and to identify methods to further minimize the visibility of the development.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN090207 and PLN110027.

10. **FINDING:**

APPEALABILITY - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

EVIDENCE:

- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) California Coastal Commission: Sections 20.86.080.A.2 and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development within 100 feet of a stream and development that is permitted in the underlying zone as a conditional use (i.e.; development within 100 feet of environmentally sensitive habitat, development on slope exceeding 30 percent, development within the Big Sur Critical Viewshed, and development within an area of positive archaeological reports).

DECISION

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

1. Adopt a Mitigated Negative Declaration per CEQA Guidelines Section 15070(b);

2. Approve a Combined Development Permit consisting of a Coastal Development Permit and Design Approval for water system improvements including the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area, a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat, a Coastal Development Permit to allow development within the Big Sur Critical Viewshed, a Coastal Development Permit to allow development on slope exceeding 30 percent, a Coastal Development Permit to allow development with positive archaeological reports, and grading (approximately 90 cubic yards of cut), in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 14th day of November, 2012 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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 may 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 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110027

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This permit (PLN110027) grants a Combined Development Permit consisting of a Coastal Development Permit and Design Approval for water system improvements including the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure within the existing well equipment enclosure area; a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; a Coastal Development Permit to allow development on slope exceeding 30 percent; a Coastal Development Permit to allow development within an area with positive archaeological reports; and grading (approximately 90 cubic yards of cut). The properties are located at 35681 and 35781 Highway 1 (Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000), Big Sur, Coastal Zone. Related to PLN090207. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 12 - ____) was approved by the Planning Commission for Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000 on November 14, 2012. The permit was granted subject to eight (8) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department within 60 days of approval of the permit. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within 60 days of approval of the permit, the Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Applicant agrees as a condition and in consideration of 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 Applicant 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. The 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 property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the Applicant 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 Applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the Applicant shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

4. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

5. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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. The mitigation monitoring agreement shall be recorded. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.
- 3) Proof of recordation of the mitigation monitoring agreement shall be submitted to the RMA-Planning Department.

6. PDSP001 - LANDSCAPING AT WATER TANK SITE (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Applicant shall plant native shrubs in the foreground of the water tank site to further obscure the water tanks when viewed from Highway 1. The use of native species consistent with and found in the project area shall be required. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within 90 days of permit approval, the Applicant shall install the native landscaping and submit evidence of planting to the RMA - Planning Department. All landscaped areas shall be continuously maintained by the Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

7. PDSP002/MM1 - WATER TANK COLOR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE 1: The Applicant shall repaint the water tanks to a darker color (e.g., Spanish/dark green or similar color). Darkening the color of the tanks will make them blend more into the surrounding vegetation and environment. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within 120 days of permit approval, the Applicant shall submit evidence to the RMA-Planning Department for review and approval that the water tanks have been repainted.

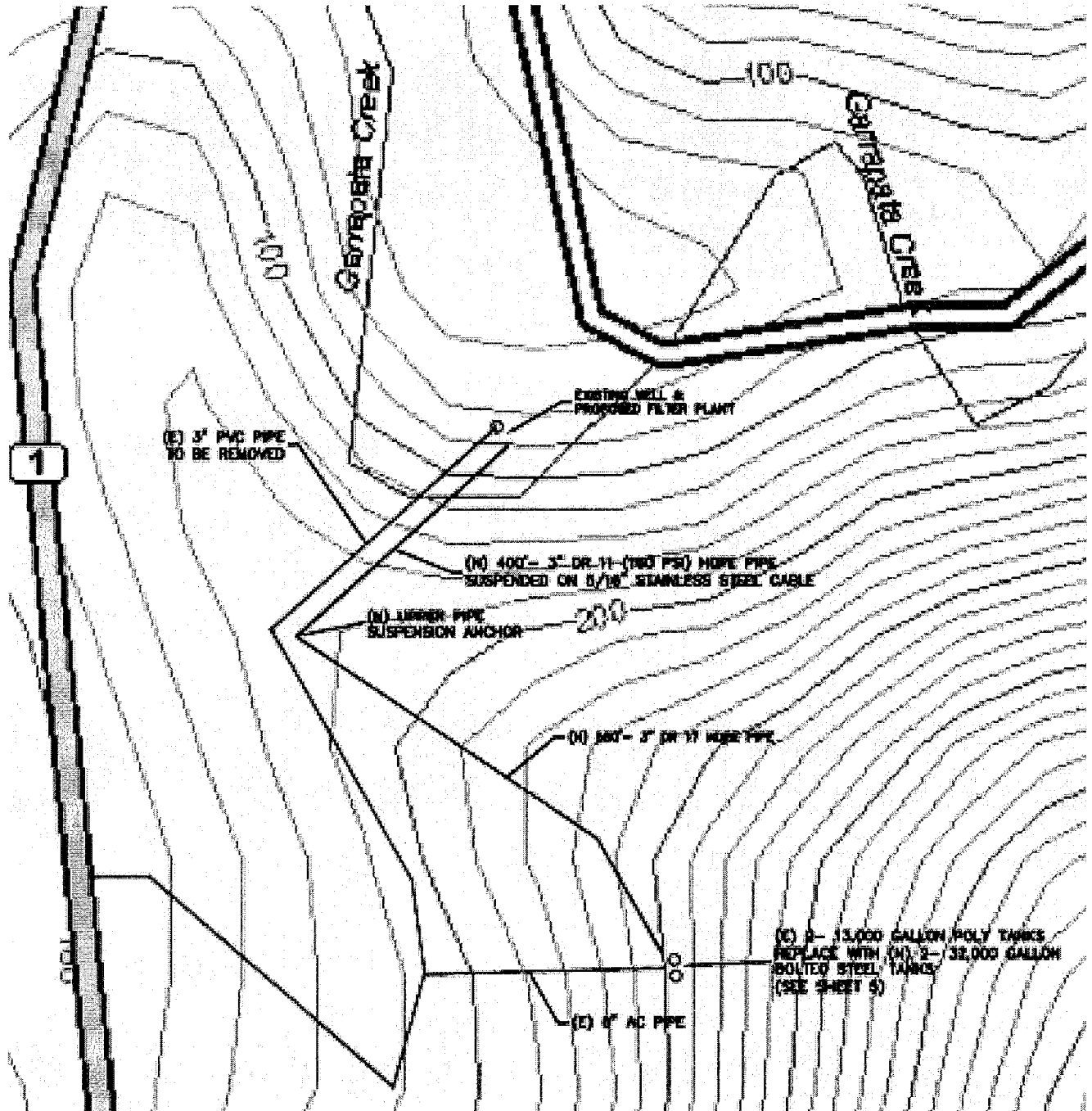
8. PDSP003/MM2 - WATER TANK COMPANY NAME SIGN

Responsible Department: Planning Department

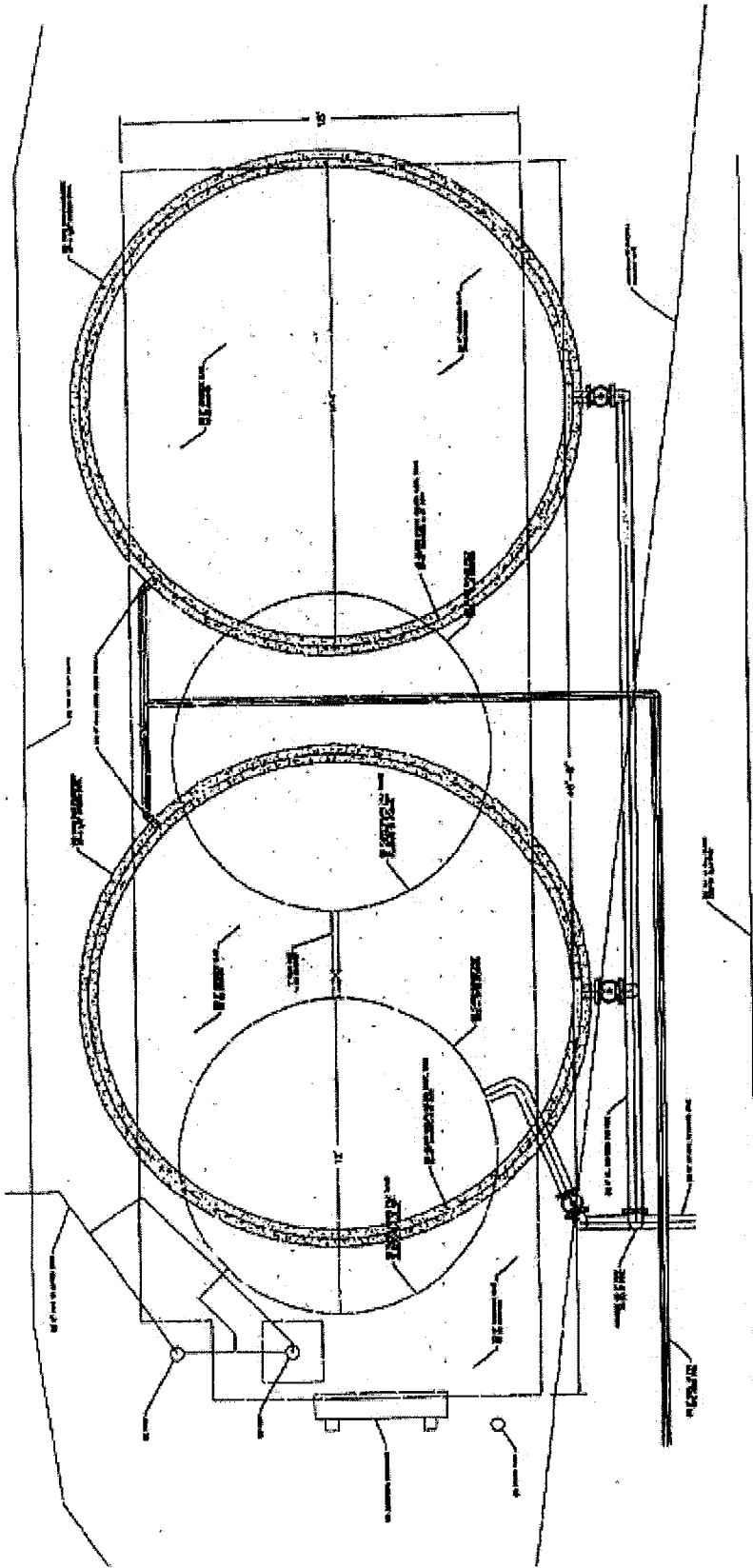
Condition/Mitigation Monitoring Measure: MITIGATION MEASURE 2: The applicant shall remove the sign, or move it to the back of the tanks, so it is not visible from Highway 1. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within 120 days of permit approval, the Applicant shall submit evidence to the RMA-Planning Department for review and approval that the sign has been removed or moved so it is not visible from Highway 1.

SITE PLAN (ENLARGEMENT)



SITE PLAN (WATER TANKS)



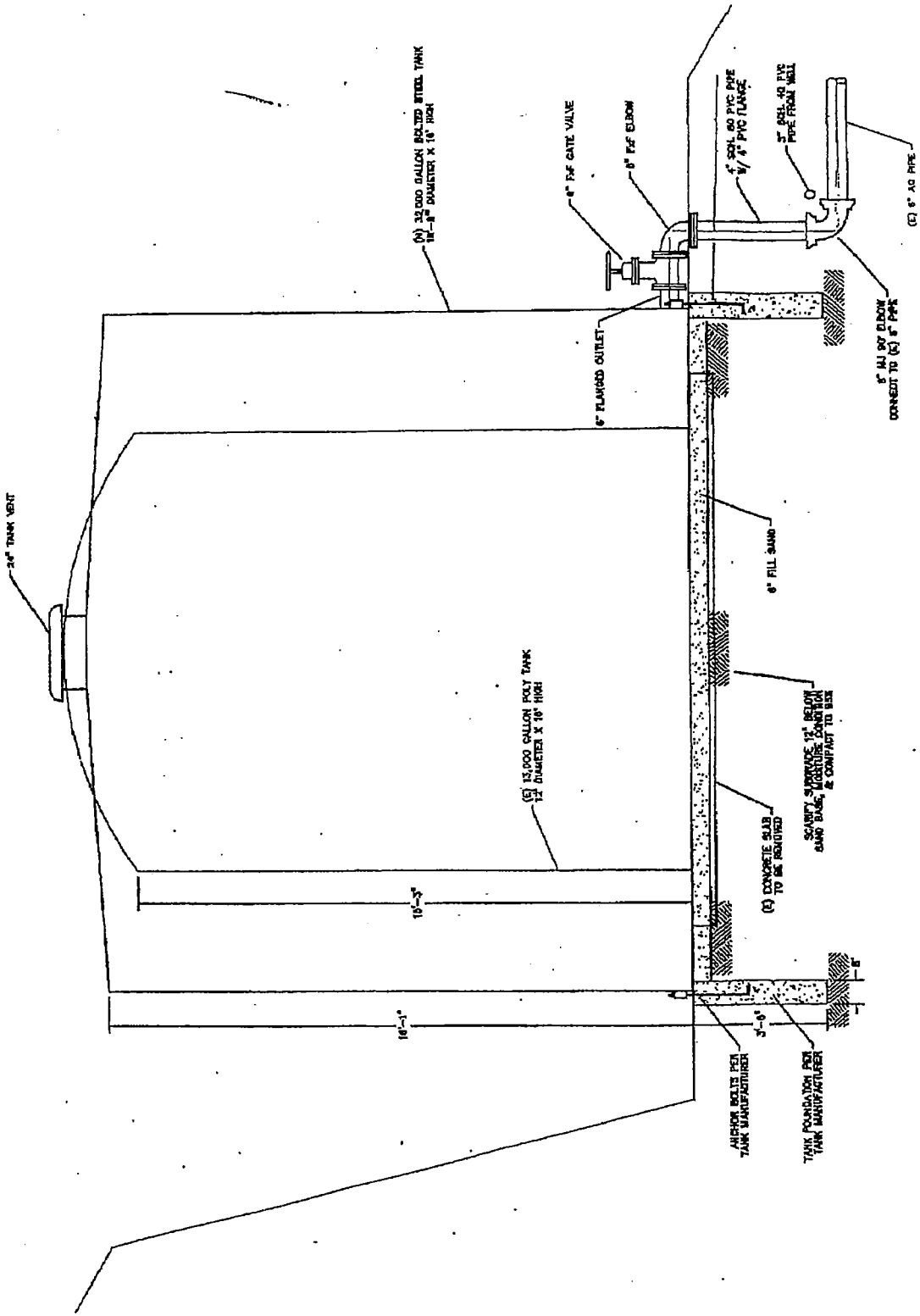
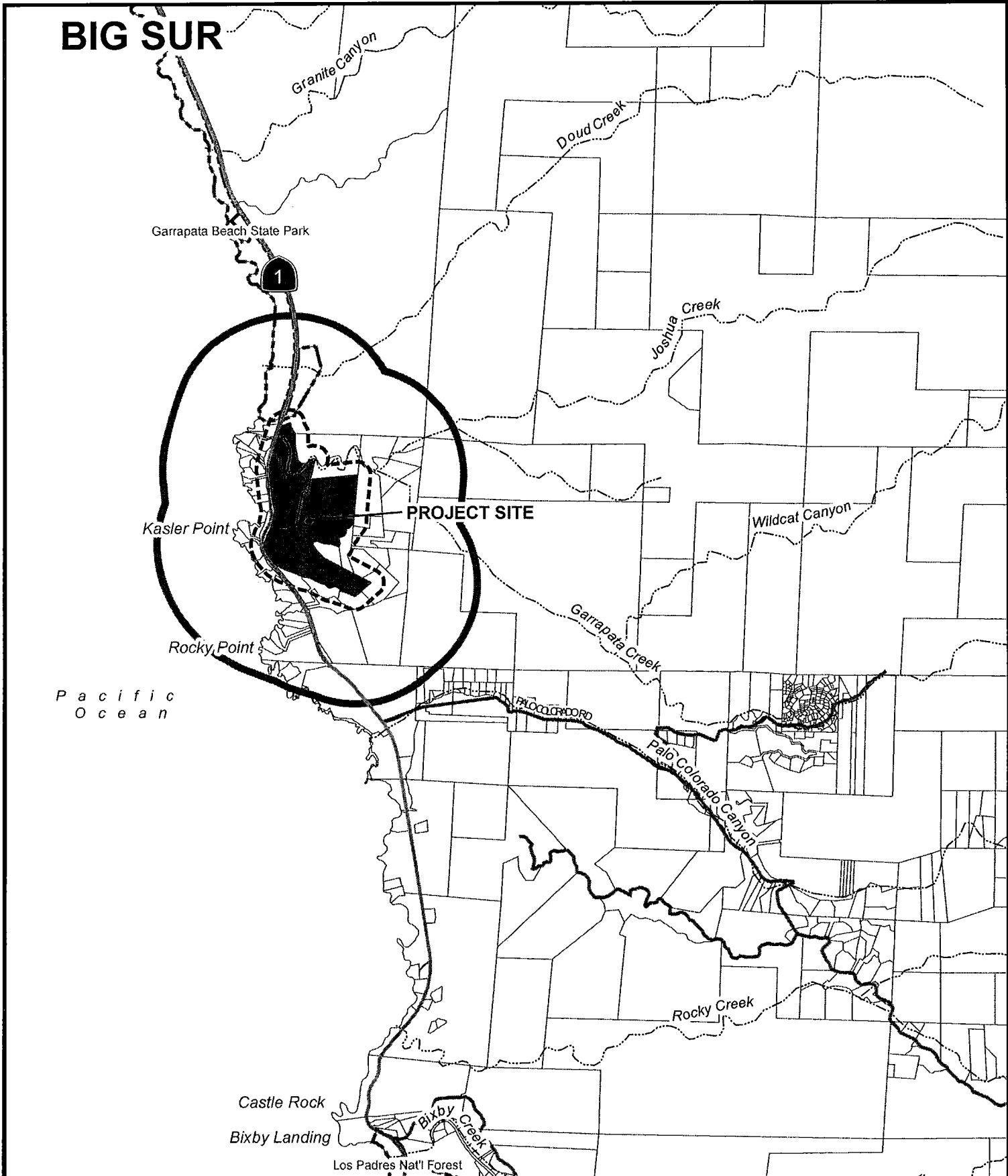


EXHIBIT D
VICINITY MAP

PLN110027 – Garrapata Water System




Planning Commission
November 14, 2012

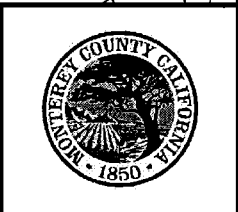
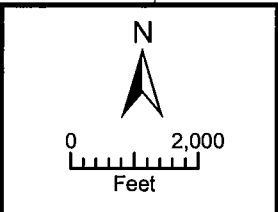
BIG SUR



APPLICANT: GARRAPATA WATER SYSTEM (FORSBERG & GURRIES)

APN: 243-301-021, 029, 030 **FILE # PLN110027**

~ Water  2500' Limit  300' Limit  City Limits



PLANNER: SIDOR

EXHIBIT E
ADVISORY COMMITTEE MINUTES

PLN110027 – Garrapata Water System

Planning Commission
November 14, 2012

MINUTES
Big Sur Land Use Advisory Committee
Tuesday, March 13, 2012

1. **Site visit at 9:00 AM at 35670 HWY 1 MONTEREY (KF TERRA LP THE)**

ATTENDEES: Lisa Kleissner, Joe Sidor, Attorney Dave Sweigert (representing Chip McCallister, neighbor property owner), Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Layne

2. **Site visit at 9:30 AM at 35681 HWY 1 MONTEREY [WELL SITE] (AKA GARRAPATA WATER COMPANY)**

**** MEET ON EAST SIDE OF HWY 1 & NORTH OF GARRAPATA CREEK BRIDGE AT ENTRANCE TO GARRAPATA TROUT FARM ROAD**

ATTENDEES: Lisa Kleissner, Joe Sidor, Attorney David Sweigert (representing Chip McCallister, neighbor property owner), Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Layne

3. **Meeting called to order by Mary Trotter at 10:30 am**

4. **Roll Call**

Members Present: Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Layne

Members Absent: Dan Priano

5. **Approval of Minutes: Continued to next meeting**

A. January 10, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

B. February 14, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

C. February 28, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

6. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

7. **Scheduled Item(s)**

8. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

9. **Meeting Adjourned:** 11:15 am

Minutes taken by: Richard Ravich

Minutes received via email March 16, 2012

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **March 13, 2012**

Project Title: FORSBERG DANA & JANE AND YOLANDA & RON GURRIES FAMILY PARTNERSHIP
(GARRAPATA WATER COMPANY) Item continued from 1/10/12 meeting

File Number: PLN110027

File Type: PC

Planner: SIDOR

Location: 35681 & 35781 & 35904 HWY 1 MONTEREY

Project Description:

Combined Development Permit consisting of: 1) a Coastal Development Permit for the construction of water system improvements including installation of two 32,000 gallon tanks, installation of approximately 1,200 linear feet of distribution lines, installation of a filtration system within an existing equipment enclosure, demolition of two 13,000 gallon tanks, and approximately 90 cubic yards of grading; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 4) a Coastal Development Permit to allow development on slope greater than 30 percent; and 5) Design Approval. The properties are located at 35681 and 35781 Highway 1 (Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000), Big Sur, Coastal Zone. Related to PLN090207.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

Was a County Staff/Representative present at meeting? Joe Sidor (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
David Sweigert, Attorney for Chip McCallister	X		None expressed

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
None		

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION :

Motion by: Steve Beck (LUAC Member's Name)

Second by: Barbara Layne (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Lane

NOES: 0

ABSENT: Dan Priano

ABSTAIN: 0

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **March 13, 2012**

Project Title: KF TERRA LP THE
File Number: PLN110150
File Type: ZA
Planner: ELIZABETH GONZALES
Location: 35670 HWY 1 MONTEREY

Project Description:

Combined Development Permit to allow: 1) a Coastal Administrative Permit for the construction of a new 3,617 square foot bi-level single family dwelling to include attached garage and storage below with associated grading (417 cubic yards of cut and 150 cubic yards of fill = 267 cubic yards to be balanced on site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system; 2) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; 3) a Coastal Development Permit to allow development on slopes in excess of 30%; 4) a Coastal Development Permit to allow development proposed within 750 feet of a known archaeological resource; and 5) Design Approval. The property is located at 35670 Highway 1, Monterey (Assessor's Parcel Number 243-231-015-000), Big Sur Coast Land Use Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

Was a County Staff/Representative present at meeting? Joe Sidor (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
David Sweigert, Attorney for Chip McCallister	X		Will initial study address growth? There is no growth planned beyond what is already approved. Slab increased by 5'. There was no impact to site as slab was within existing area. Monitoring to protect bio resources was required. There was a post construction bio report and an initial study. All sensitive resources, including buckwheat, were flagged and all work done around them.

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Color of tanks is too light.		Paint Spanish Green or similar color to better beld in with vegetation. Might consider planting some trees or shrubs bleow tanks to break up the lines and surface. Brand name plaque on tanks should also be painted over.

ADDITIONAL LUAC COMMENTS

The County is doing an initial study for sensitive species and visual impact.

RECOMMENDATION :

Motion by: Ned Callihan (LUAC Member's Name)

Second by: Steve Beck (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich

NOES: 0

ABSENT: Dan Priano

ABSTAIN: 0

RECUSAL: Barbara Layne

EXHIBIT F
MITIGATED NEGATIVE DECLARATION

PLN110027 – Garrapata Water System

Planning Commission
November 14, 2012

County of Monterey

State of California

MITIGATED NEGATIVE DECLARATION

FILED

SEP 04 2012

STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

Project Title:	Garrapata Water System
File Number:	PLN110027
Property Owners:	Dana and Jane Forsberg; Yolanda and Ron Gurries Family Partnership
Water System Owner:	Garrapata Water Company, Inc.
Project Location:	35681 and 35781 Highway 1, Big Sur, Monterey County, California, Big Sur Coast Land Use Plan, Coastal Zone
Primary APN:	243-301-021-000, 243-301-029-000, and 243-301-030-000
Project Planner:	Joseph Sidor, Associate Planner
Permit Type:	Combined Development Permit
Project Description:	Combined Development Permit consisting of: 1) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 2) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 3) a Coastal Development Permit to allow development on slope exceeding 30 percent; 4) a Coastal Development Permit to allow development with positive archaeological reports; and 5) a Coastal Development Permit and Design Approval for water system improvements including the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Monterey County Planning Commission
Responsible Agency:	Resource Management Agency - Planning Department
Review Period Begins:	September 5, 2012
Review Period Ends:	October 4, 2012

Further information, including a copy of the application and Initial Study, is available at the Monterey County Resource Management Agency - Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA 93901/ (831) 755-5025.

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: GARRAPATA WATER SYSTEM

File No.: PLN110027 (related to PLN090207)

Project Location: 35681 and 35781 Highway 1, Big Sur

Name of Property Owner: Dana and Jane Forsberg; Yolanda and Ron Gurries Family Partnership

Name of Applicant: Garrapata Water Company, Inc.

Assessor's Parcel Number(s): 243-301-021-000, 243-301-029-000, and 243-301-030-000

Acreage of Properties: ~ 119 acres

Land Use Plan Designation: Watershed and Scenic Conservation

Zoning District: Watershed and Scenic Conservation, 40 acres per unit, Design Control District Overlay (Coastal Zone) [WSC/40-D (CZ)]

Lead Agency: County of Monterey Resource Management Agency – Planning Department

Prepared By: Joseph Sidor, Associate Planner

Date Prepared: August 31, 2012

Contact Person: Joseph Sidor, Associate Planner
SidorJ@co.monterey.ca.us

Phone Number: (831) 755-5262

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

PLN110027 is related to Emergency Coastal Development Permit (ECDP) PLN090207, granted by the Zoning Administrator on June 12, 2009. PLN110027 consists of the follow-on permit authorization for water system improvements completed under PLN090207. The Applicant submitted an application on June 5, 2009, to request an emergency permit for improvements to the Garrapata Water System. The Monterey County Environmental Health Bureau (EHB) concurred with this request and verified in a telephone conversation with the project planner on June 12, 2009, that an emergency existed due to a boiled water order imposed on the water system. Lack of potable water caused a situation that was detrimental to the safety, health, and general welfare of the residents. The improvements/upgrades were required to meet filtration and time requirements for chlorinated water contact, and to ensure the delivery of safe drinking water per State health and safety standards to the properties served by the Garrapata Water System.

The work authorized and completed under the ECDP consisted of the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks on an improved foundation within the existing developed footprint, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area. The Applicant completed the demolition and construction work associated with the ECDP on or about October 25, 2010.

The follow-on entitlements include a Combined Development Permit consisting of:

- 1) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat;
- 2) Coastal Development Permit to allow development within the Big Sur Critical Viewshed;
- 3) Coastal Development Permit to allow development on slope exceeding 30 percent;
- 4) Coastal Development Permit to allow development with positive archaeological reports; and
- 5) Coastal Development Permit and Design Approval for water system improvements including the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area.

B. Surrounding Land Uses and Environmental Setting:

The properties associated with PLN090207 and PLN110027 are located at 35681 and 35781 Highway 1 (Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000), Big Sur, Coastal Zone, County of Monterey, California. The project site is divided between the well equipment enclosure and the water tank pad.

The parcels are large, developed watershed and scenic conservation and rural residential coastal lots. The parcels are adjacent to and east of State Route (SR) 1. The project area is

approximately 1,400 feet east of the Pacific Ocean, and is bordered by watershed and scenic conservation and rural density residential uses to the north, east, south, and west.

The three parcels have a combined acreage of approximately 119 acres; however, the project area comprises a much smaller area of approximately 2,100 square feet (approximately 0.05 acres) including the well equipment enclosure (approximately 600 square feet) and the water tank area (approximately 1,500 square feet). The well equipment enclosure includes the well and the 120 square foot filtration system shed. It is a level area near Garrapata Creek, located on Assessor's Parcel Number 243-301-029-000. The new distribution pipe begins at the well equipment enclosure, traverses Assessor's Parcel Number 243-301-030-000, and ends at the water tank pad on Assessor's Parcel Number 243-301-021-000.

According to the County's GIS database and the archaeological report prepared for the project, the project area is located within an area of high archaeological sensitivity and within 750 feet of a known archaeological resource. See Section VI.5 below for a detailed discussion.

The project sites are primarily level, but the water tank site has adjacent slopes that are greater than 30 percent, and transmission pipe was laid over slope exceeding 30 percent. However, the subject development, and specifically development involving excavation or trenching, occurred within the existing level footprint of the water tank site or on slope less than 30 percent.

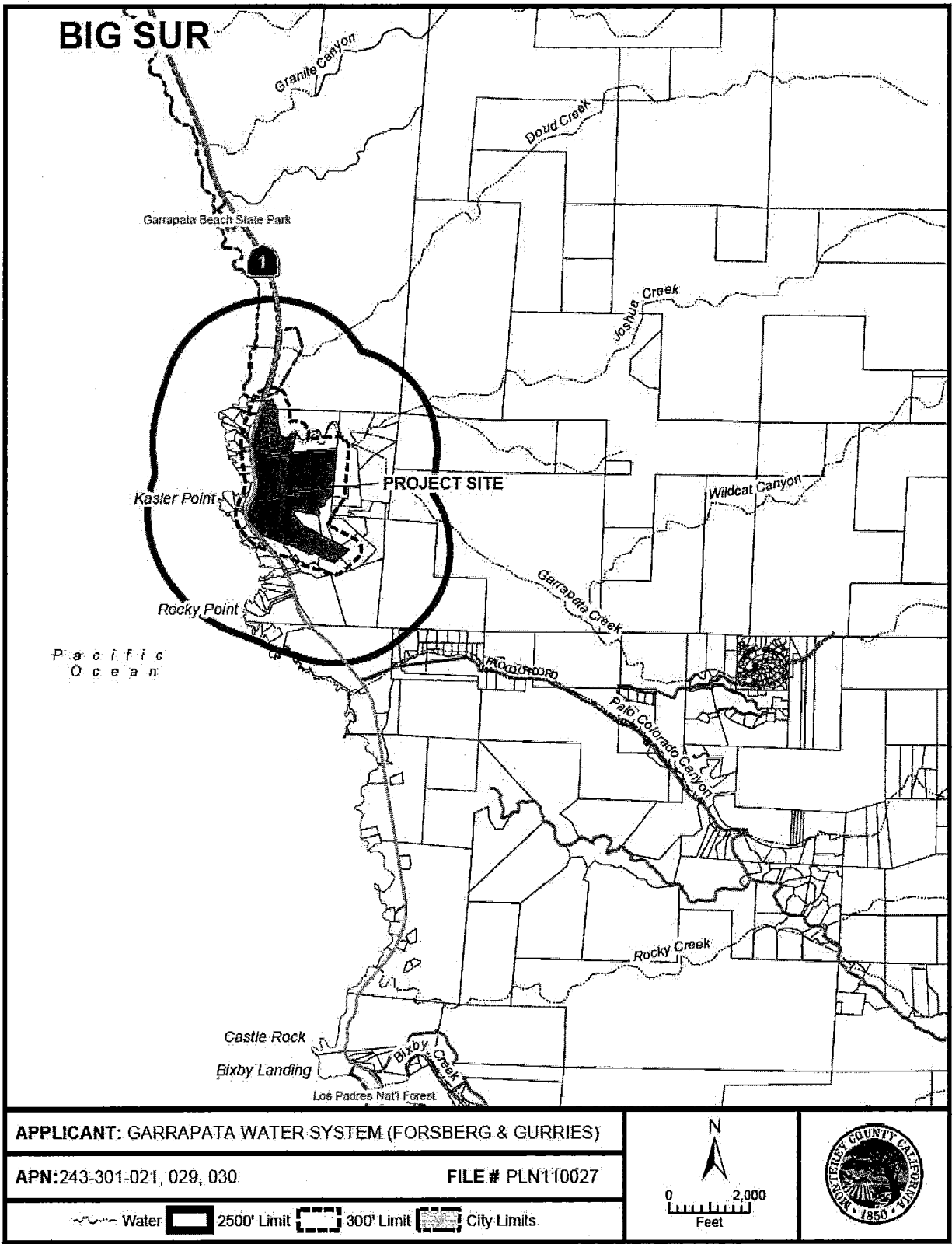
Visually, the project parcels border SR 1, a designated scenic roadway, and the water tank site is visible within the Big Sur Critical Viewshed as defined in Chapter 3.2 (Scenic Resources) of the Big Sur Coast Land Use Plan. The water tanks are visible from a vista point turnout on SR 1, approximately one-tenth of a mile southwest of the property entrance. The Visual Impact Assessment prepared for the project concluded that the new water tanks do not significantly intensify the visual impacts. See Section VI.1 (Aesthetics) below for a detailed discussion.

The project sites occur within existing developed footprints; however, the areas adjacent to the project sites contain environmentally sensitive habitat, specifically Seacliff buckwheat, as identified by the Preliminary Biological Assessment prepared for the ECDP. The Biological Impact Assessment prepared post-project did not identify impacts to Seacliff buckwheat or environmentally sensitive habitat. See Section VI.4 (Biological Resources) below for a detailed discussion.

C. Other public agencies whose approval is required:

The final water system permit will be issued by EHB upon completion and signoff of the review of the system by the California Department of Public Health. The Applicant will not require additional ministerial or discretionary permits from any other public agency for this project.

Vicinity Map

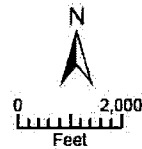


APPLICANT: GARRAPATA WATER SYSTEM (FORSBERG & GURRIES)

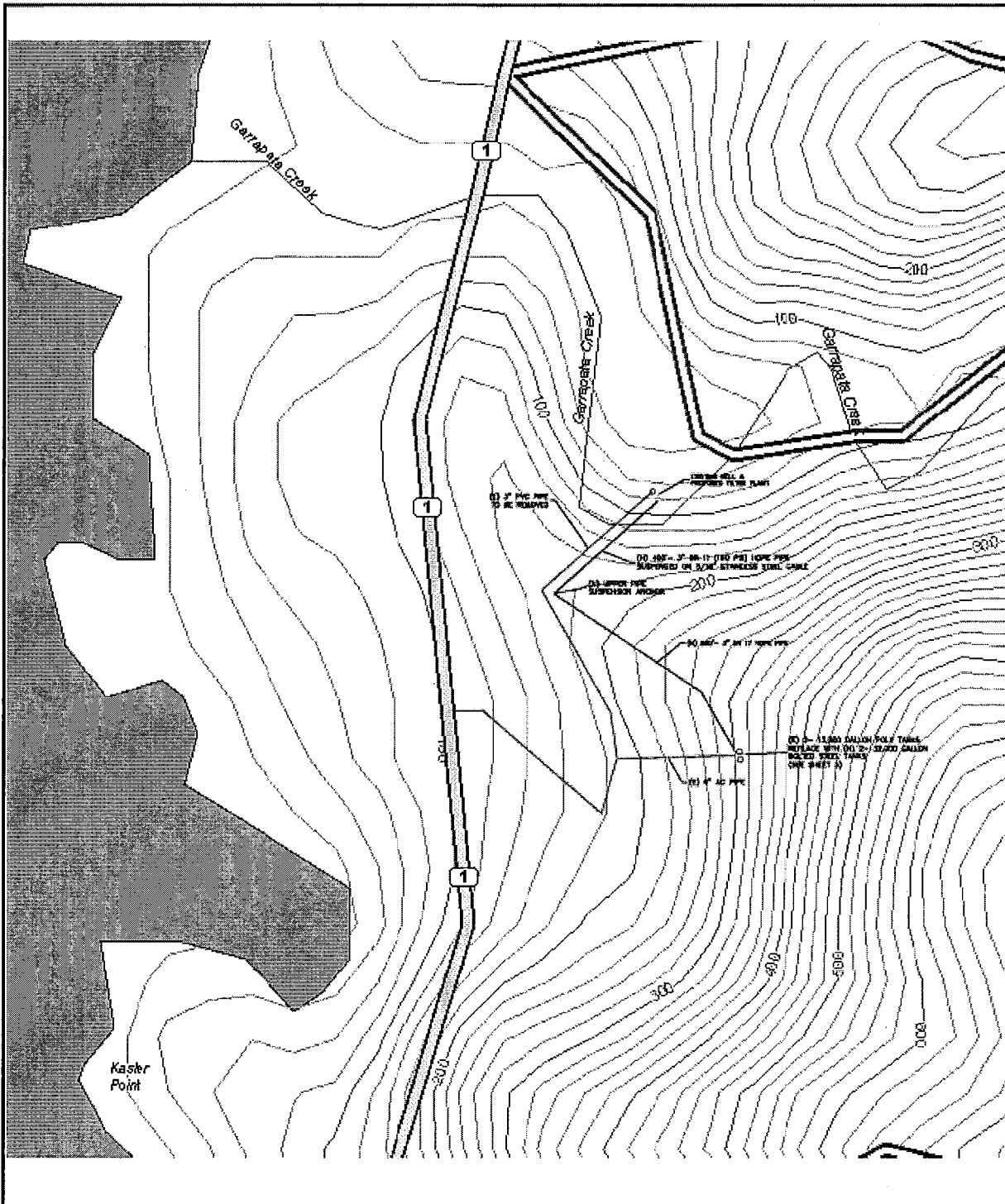
APN: 243-301-021, 029, 030

FILE # PLN110027

Water 2500' Limit 300' Limit City Limits

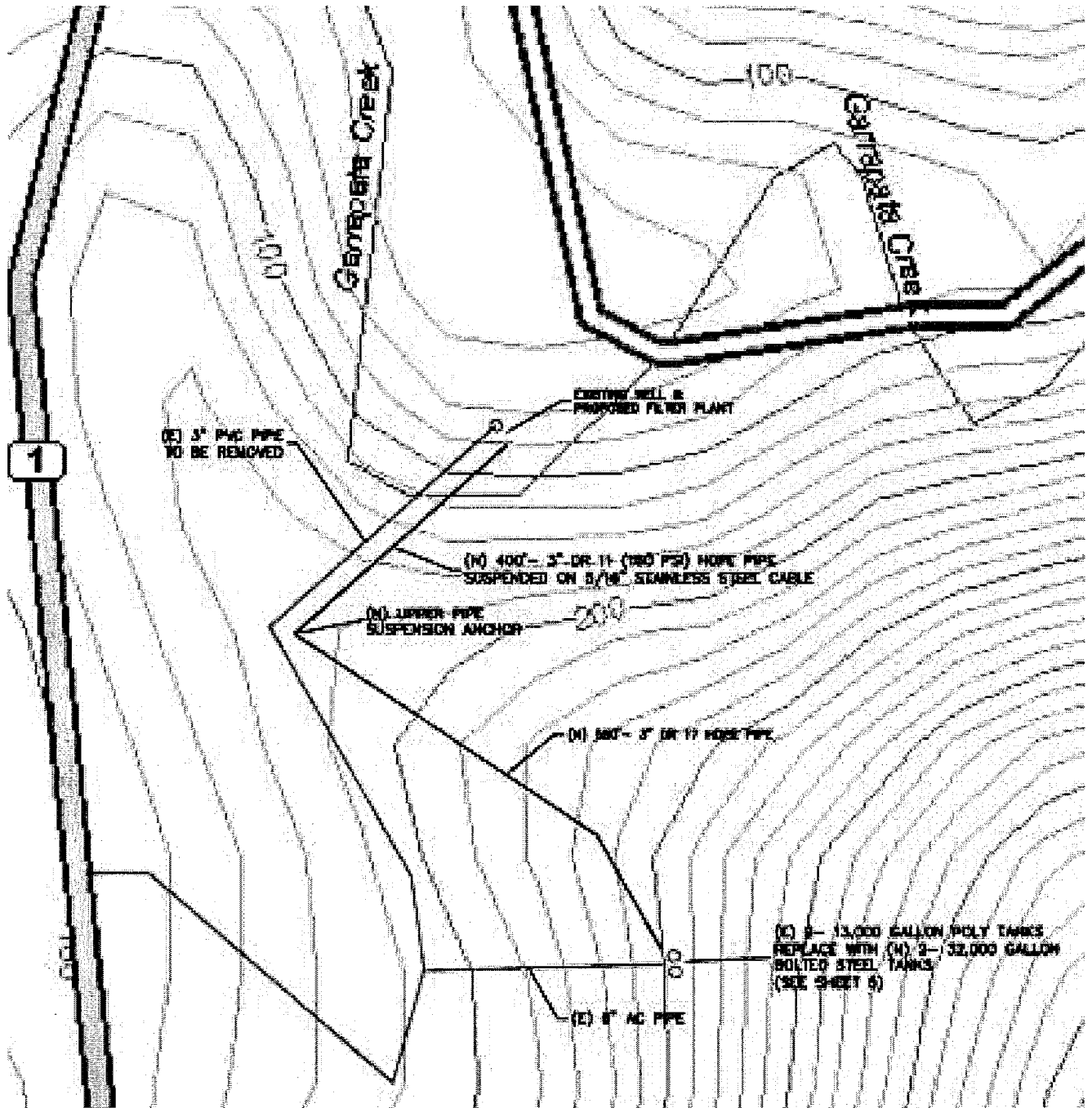


Site Plan (Distribution Line)



Site Plan		UTILITY SERVICES	
		5700 Carmel Valley Road Carmel, CA 93923	Tel: (831) 620-1132
PROJECT: Water Treatment Facilities	DRAWN: G. Wegand	SCALE: None	
OWNER: Garrapata Water Co.	CHECKED:	JOB NO:	
LOCATION:	APPROVED:	DATE: December 2009	

Site Plan (Enlargement)



Site Photos (Water Tank Site)

Post-Construction View from SR/Highway 1



Pre-Construction View from SR/Highway 1



Site Photos (Water Tank Site)

Post-Construction View from SR/Highway 1



Pre-Construction View from SR/Highway 1

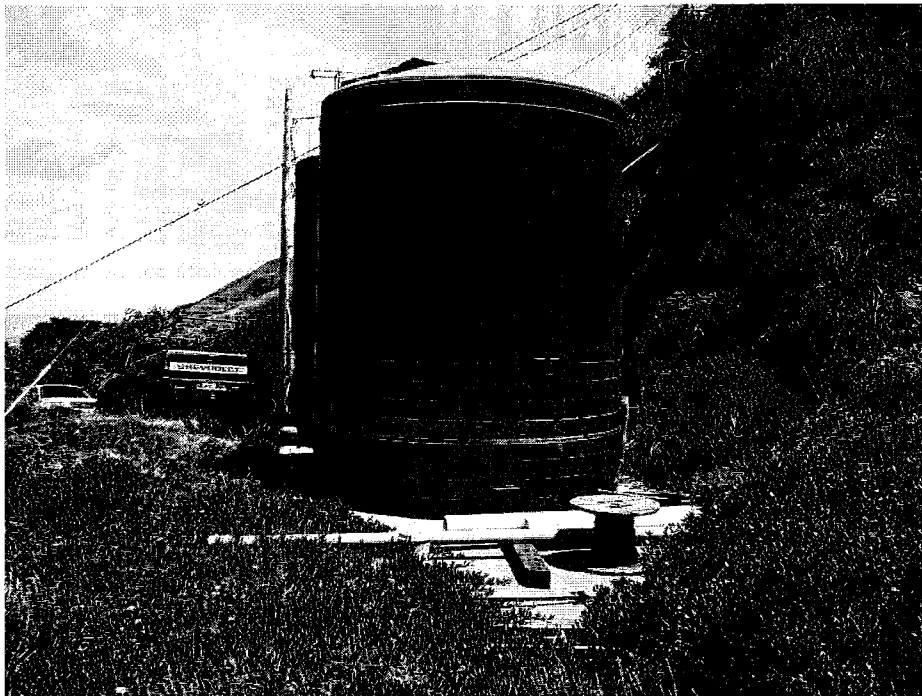


Site Photos (Water Tank Site)

Post-Construction View of Water Tanks

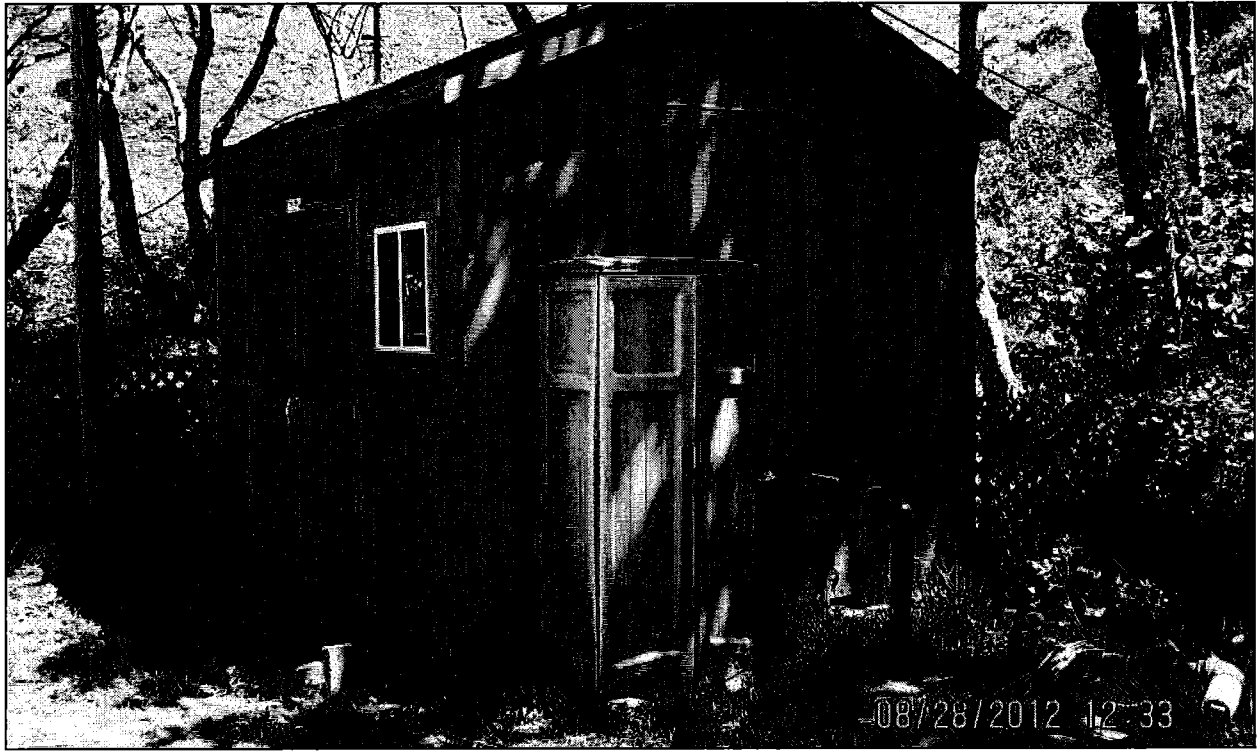


Pre-Construction View of Water Tanks



Site Photos (Well Site)

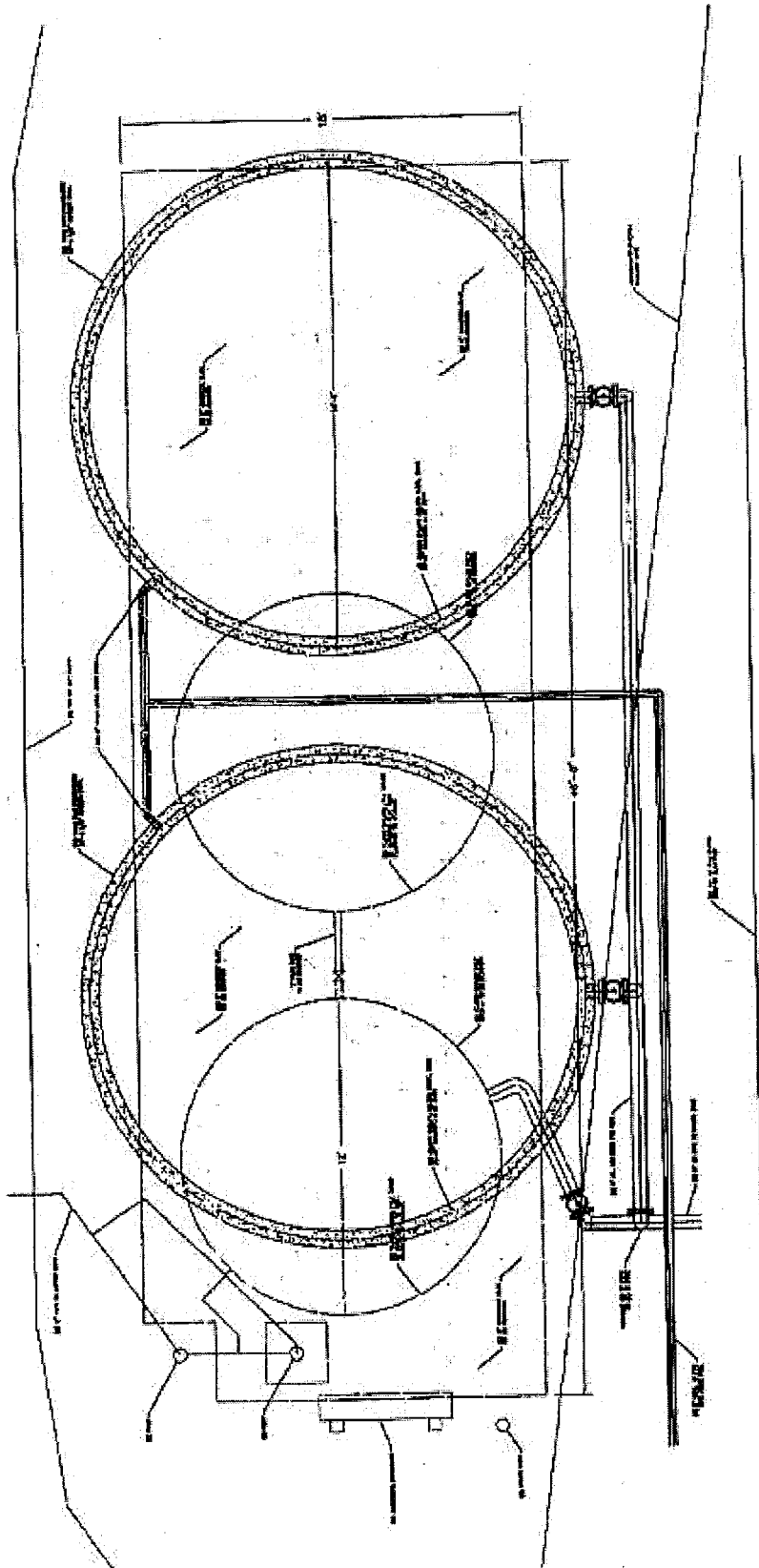
Post-Construction View



Pre-Construction View



Site Plan (Water Tanks)



III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan. The project consisted of the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks on an improved foundation within the existing developed footprint, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area. The improvements were required to ensure the delivery of safe drinking water to the properties served by the Garrapata Water System, which is consistent with Policy 21 to ensure protection and enhancement of the County's water quality for domestic and other uses. The project also involved the installation of transmission pipe over slope exceeding 30 percent. Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. Given the terrain from the well site to the tank site, there is no feasible alternative that would avoid development on slope greater than 30 percent, so the development is consistent. The property and surrounding area have watershed and scenic conservation and rural residential land use designations, and the adjacent land uses are residential. Therefore, the project is consistent. **CONSISTENT**

Water Quality Control Plan. The Regional Water Quality Control Board incorporates the County's General Plan in its preparation of regional water quality plans. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast and, therefore, is consistent with the Regional Water Quality Control Plan. Section VI.9 (Hydrology and Water Quality) below discusses whether the proposed project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. **CONSISTENT**

Air Quality Management Plan. Consistency of a project with regional population and employment forecasts will result in consistency of the project with the Air Quality Management Plan (AQMP). The Monterey Bay Unified Air Pollution Control District (MBUAPCD) incorporates the Association of Monterey Bay Area Governments (AMBAG) population forecasts in its preparation of regional air quality plans, making this project consistent with the applicable Air Quality Plan. The AQMP addresses the attainment and maintenance of state and

federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). The proposed project will not increase the population of the area nor generate additional permanent vehicle trips. Therefore, the project is consistent with the AQMP. **CONSISTENT**

Local Coastal Program-LUP. The project was reviewed for consistency with the Big Sur Coast Land Use Plan (LUP) and the associated Coastal Implementation Plan (CIP), Part 3. Section IV.10 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflicts with any applicable habitat conservation plan or natural community conservation plan. As discussed herein, the project involved the demolition of two 13,000 gallon water tanks, the installation of two 32,000 gallon water tanks on an improved foundation within the existing developed footprint, the installation of approximately 1,200 linear feet of distribution pipe from the well to the water tanks, and the installation of a new filtration system within an approximately 120 square foot accessory structure, within the existing well equipment enclosure area. The project also includes development within 100 feet of environmentally sensitive habitat (seacliff buckwheat and riparian corridor), development within 750 feet of known archaeological resources, development on slope greater than 30%, and development within the Big Sur Critical Viewshed. The surrounding area has residential and watershed and scenic conservation land use designations, and the adjacent land uses are residential. The project did not physically divide an established community, nor conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. Sections VI.1 (Aesthetics), VI.4 (Biological Resources), VI.5 (Cultural Resources), and VI.6 (Geology and Soils) address potential impacts to visual resources, biological resources, cultural resources, and slope, and include analysis and mitigation measures to ensure project consistency with specific LCP policies. As proposed and completed, conditioned, and mitigated, the project is consistent with the Big Sur Coast LUP and CIP. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

- 1) Aesthetics. See Section VI.1 below.
- 2) Agriculture and Forest Resources. The project site is not designated as Prime, Unique, of Statewide Importance, or of Local Importance Farmland, and the project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project would also not result in the loss of forest land or conversion of forest land to non-forest use. The project parcels are not located near any agricultural or forest lands, and the project resulted in no impacts to agricultural or forest resources. (Source: IX. 1, 3, 6).
- 3) Air Quality. See Section VI.3 below.
- 4) Biological Resources. See Section VI.4 below.
- 5) Cultural Resources. According to County records, no historical sites are known to be on or in the immediate vicinity of the project area. The project site does not contain historical resources and would not cause a substantial adverse change in a significant historical resource. The project site is in an area identified in County records as having a high archaeological sensitivity, and the archaeological report prepared for the project identified known archaeological resources within 750 feet of the project site. The project did not result in significant ground disturbance, and construction activity occurred primarily within previously-disturbed areas at the well site and the water tank site. An archaeological survey conducted for the project did not identify any previously unrecorded archaeological resources. Examination of the project site and surrounding area during field reconnaissance revealed no evidence for potential impacts to archaeological resources, and the archaeologist concluded that monitoring of construction activities was not

warranted. In addition, no paleontological resources or unique geologic features are identified as associated with this site. The surrounding area is composed primarily of granitic rock. No impacts occurred to historical or prehistoric resources, paleontological resources, or unique geologic features. (Source: IX. 1, 2, 3, 7, 8)

- 6) Geology and Soils. See Section VI.6 below.
- 7) Greenhouse Gas Emissions. See Section VI.7 below.
- 8) Hazards and Hazardous Materials. The project does not involve the transportation, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release of materials that would pose a threat to neighboring properties. Although the water system uses chlorine for water treatment purposes, there is not enough volume of chlorine stored on-site to require permits from EHB Haz Mat service or that would pose a hazard to surrounding residents. The project would not involve stationary operations, create hazardous emissions, or handle hazardous materials. The site is not included on a list of hazardous materials sites, and the site location would have no impact on emergency response or emergency evacuation. The site is not located within two miles of an airport or airstrip. The project involved the expansion of water storage capacity for an existing water system; therefore, it would not expose people or structures to a significant risk of loss, injury, or death involving wildfires. The project resulted in no impacts from hazards or hazardous materials. (Source: IX. 1, 2, 3, 6).
- 9) Hydrology and Water Quality. The project will not violate any water quality standards or waste discharge requirements, nor alter the drainage patterns of the site or area. The Garrapata Water Company currently provides and will continue to provide water for the residential uses on the property and the surrounding parcels of the Garrapata Water System. The properties of the water system provide separate on-site wastewater treatment via individual septic systems. The Monterey County Water Resources Agency (WRA) and Environmental Health Bureau (EHB) have reviewed the project application and deemed that the project complies with applicable ordinances and regulations. WRA and EHB also reviewed the project application, and EHB applied standard conditions of approval. The project will not increase water demand because the water system improvements were installed to ensure safe drinking water for the existing users of the water system. The project will not expose people or structures to a significant risk involving flooding. The project will not alter the existing drainage pattern of the site or area, nor create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. The project would not provide additional sources of polluted runoff or degrade water quality, or place a structure within an area that would impede or redirect flood flows. Site drainage patterns will not change because the improvements were installed on the approximate footprint of the existing water system. Tsunami and

flooding vulnerability at the site is limited by the topography. The project resulted in no impacts to hydrology and water quality. (Source: IX. 1, 3, 6)

- 10) Land Use and Planning. The project does not disrupt, divide, or otherwise have a negative impact upon the existing neighborhood or adjacent properties. The surrounding area has residential and watershed and scenic conservation land use designations, and the adjacent land uses are residential. The project will have no impact on these designations or uses. Replacement/construction of the water tanks and treatment facility, in the same general location of the existing structures, is consistent with these designations. The project did not physically divide an established community, nor conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. The improvements were required to ensure the delivery of safe drinking water to the properties served by the Garrapata Water System, which is consistent with Policy 21 of the 1982 General Plan (GP) to ensure protection and enhancement of the County's water quality for domestic and other uses. The improvements did not result in intensification of use or a requirement for a new or additional water supply. The Garrapata Water System has a limited number of identified residential lots that it may serve. Any proposal to add lots and/or connections to the water system would require review and approval by EHB to ensure an adequate quantity of water is available. The project also involved the installation of transmission pipe over slope exceeding 30 percent. GP Policy 26.1.10 prohibits development on slopes greater than 30 percent; however, an exception may be granted if a finding is made that there is no alternative which would allow development to occur on slopes of less than 30 percent. Given the terrain from the well site to the tank site, there is no feasible alternative that would avoid development on slope greater than 30 percent, so the development is consistent. As designed, conditioned, and constructed, the project is consistent with applicable GP and Local Coastal Program policies as discussed in Section III. The project did not result in impacts to land use and planning. (Source: IX. 1, 2, 3, 4, 6)
- 11) Mineral Resources. No mineral resources have been identified or would be affected by the project. The project is not within the vicinity of a site being used for aggregate production, and there are no active mining sites located in the project vicinity. The project resulted in no impacts to mineral resources. (Source: IX. 2, 3, 8)
- 12) Noise. See Section VI.12 below.
- 13) Population and Housing. The project does not substantially induce population growth in the area, either directly, or indirectly, as no new infrastructure has been extended to the site. The project entailed the construction of a treatment facility, the installation of water transmission lines from the well site to the water tank site, and construction of replacement water tanks to improve water quality for existing water system users. The project also does not displace, alter the location,

distribution, or density of human population in the area in any significant way, or create a demand for additional housing. The project did not result in impacts to population and housing. (Source: IX. 1, 2, 3, 6)

- 14) Public Services. The project will have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The project would not change the existing structures served by existing services and utilities. The project would have no measurable effect on existing public services in that there would be no increase in demand, and it would not require expansion of any services to serve the project. The project site uses an existing permitted water system and septic systems. County Departments reviewed the project application and have provided recommended Conditions of Approval. None of the County agencies or service providers indicated that this project would result in impacts. The project did not result in impacts related to public services. (Source: IX. 1, 3, 6)
- 15) Recreation. The project did not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. No parks, trail easements, or other recreational opportunities were adversely impacted by the project, based on review of County records, Figure 3 (Trails Plan) of the Big Sur Coast Land Use Plan, and staff site visit. The project did not create new or additional recreational demands, and did not result in impacts to recreation resources. (Source: IX. 1, 3, 6)
- 16) Transportation and Traffic. The project did not involve new structural development that generates new traffic or increase the number of permanent vehicle trips. The contribution of traffic from the project does not cause any roadway or intersection level of service to be degraded. Construction-related activities temporarily increased traffic from trips generated by the individuals on the construction site; however, no adverse impact occurred due to the small scale of the project. The project does not result in a change in air traffic patterns or an increase in traffic levels. It does not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity. The project also does not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project did not result in impacts to transportation or traffic. (Source: IX. 1, 2, 3, 6)
- 17) Utilities and Service Systems. The project did not add any new structures that would require increases to service from existing systems. Utilities such as electricity, gas, and phone service are already in place, and the project did not generate additional demand nor warrant the expansion of the current infrastructure. The improvements were required to meet filtration and time

requirements for chlorinated water contact, and to ensure the delivery of safe drinking water per State health and safety standards to the properties served by the Garrapata Water System. The improvements did not result in intensification of use or a requirement for a new or additional water supply. The project did not result in impacts related to utilities and service systems. (Source: IX. 1, 3, 6).

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

August 31, 2012

Date

Joseph Sidor, Associate Planner

V. *EVALUATION OF ENVIRONMENTAL IMPACTS*

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) **The explanation of each issue should identify:**
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: IX. 1, 3, 6, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1, 3, 6, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX. 1, 6, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 6, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Aesthetics 1(a through c) – Less than Significant (Mitigations Incorporated). The project site is located within a scenic vista and along a scenic road or highway, and included a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. A specific component of the water system (i.e., two water storage tanks) is partially visible from the scenic highway, Highway 1. The water tanks are visible from a vista point turnout on SR 1, approximately one-tenth of a mile southwest of the property entrance. The water storage capacity was increased (from two 13,000 gallon tanks to two 32,000 gallon tanks) to improve the performance of the water system and to meet state-mandated guidelines regarding water quality; however, the replacement of the water tanks did not materially increase the structural visibility of project infrastructure as compared to the existing water tanks such that an adverse visual effect occurred. The new water tanks were installed/constructed in approximately the same location, and did not damage or intrude upon the critical viewshed by introducing new adverse elements into the viewshed. The new water tanks, although larger, are of a similar structural appearance to the previous water tanks on the project site, and did not result in a noticeable enlargement of the tanks from viewpoints in the critical viewshed (i.e., from Highway 1). Moreover, the site of the water tanks is partially obscured from the critical viewshed by existing topography and vegetation/trees. Therefore, the project is consistent with the scenic resource policies in Chapter 3.2 of the Big Sur Coast Land Use Plan.

Implementation of the system improvements did not introduce new project infrastructure that substantially degraded the previously-existing visual character and quality of the project site or its surrounding area; did not result in an adverse change to the visual quality or visual characteristics of the project area; did not result in an inconsistency to policies designed to safeguard visual resources in the project area; and, did not result in a significant impact per

CEQA standards. Therefore, implementation of the system improvements resulted in a negligible adverse impact on views and visual character and represents a less-than-significant impact to aesthetic resources. (Source: IX. 1, 3, 6, 11) However, in the County's independent judgment, the applicant shall further reduce the visual impact of the new water tanks by implementing the following mitigations:

Aesthetics Mitigation Measure No. 1:

Water Tank Color – The applicant shall repaint the water tanks to a darker color (e.g., Spanish/dark green or similar color). Darkening the color of the tanks will make them blend more into the surrounding vegetation and environment.

Aesthetics Monitoring Action No. 1:

Within 120 days of permit approval, the applicant shall submit evidence to the RMA-Planning Department for review and approval that the water tanks have been repainted.

Aesthetics Mitigation Measure No. 2:

Water Tank Company Name Sign – The applicant shall remove the sign, or move it to the back of the tanks, so it is not visible from Highway 1.

Aesthetics Monitoring Action No. 2:

Within 120 days of permit approval, the applicant shall submit evidence to the RMA-Planning Department for review and approval that the sign has been removed or moved so it is not visible from Highway 1.

In addition, the County will apply a non-standard landscaping condition of approval to the project resolution requiring the applicant to plant native shrubs in the foreground of the water tank site to further obscure the water tanks when viewed from Highway 1.

Aesthetics 1(d) – No Impact. The water system improvements did not introduce a use that creates a new source of substantial light that adversely affects nighttime views in the area.

The non-reflective muted color of the storage tanks, similar to the tanks that were replaced, does not create a new source of substantial glare that adversely affects day views in the project area. (Source: IX. 1, 6, 11)

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.2 above.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX. 1, 5, 6, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: IX. 5, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: IX. 5, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: IX. 1, 5, 6, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Air Quality 3(a through c, e and f) – No Impact.

The project area is located within the North Central Coast Air Basin and is subject to the jurisdictional regulations of the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The nearest structure to the water tank project site is a residence over 600 feet to the west. Construction activities involved relatively small crews and limited construction equipment. The project will not create any post-construction air emissions beyond those associated with previous use of the water system. There are no schools or other sensitive receptors in the vicinity of the project site. Operation of vehicles during construction activities may have generated airborne odors (e.g., diesel exhaust); however, such emissions would have been localized to the immediate area under construction and would have been short in duration. Based on the information above, the project will not result in cumulative, construction-related, or objectionable odor impacts to the North Central Coast Air Basin, nor will the project expose sensitive receptors to pollutants. Based on the work completed during the project, the minor construction activity did not exceed thresholds identified in Tables 5-1, 5-2, 5-3, and 5-4 of the 2008 CEQA Air Quality Guidelines. Therefore, the project would not conflict with or obstruct the implementation of the applicable Air Quality Management Plan (identified above in Section

III, would not violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment, would not expose sensitive receptors to substantial pollutant concentrations, nor create objectionable odors affecting a substantial number of people. Also, the project will not increase the population of the area nor generate additional vehicle trips. The project did not result in permanent impacts to air quality. (Source: IX. 1, 5, 6, 12)

Air Quality 3(d) – Less than Significant.

Construction activities for the project involved relatively small crews and limited construction equipment. Operation of vehicles during construction activities may have generated airborne odors (e.g., diesel exhaust); however, such emissions would have been localized to the immediate area under construction and would have been short in duration. Based on the work completed during the project, the minor construction activity did not exceed thresholds identified in Tables 5-1, 5-2, 5-3, and 5-4 of the 2008 CEQA Air Quality Guidelines. Therefore, the project resulted in less than significant impacts to air quality during construction activities. (Source: IX. 1, 5, 6, 12)

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX. 1, 3, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 3, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: IX. 1, 3, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: IX. 1, 3, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX. 1, 3, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX. 1, 3, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The pre-construction biological report prepared for the project identified the following conditions with regard to biological resources at the project site:

- 1) Water tank site – The surrounding hill slope is vegetated with Northern Coastal Scrub habitat characterized by low, dense shrub cover including a variety of native and non-native species. The biologist also identified occasional seacliff buckwheat, the host plant for the federally-listed/endangered Smith’s blue butterfly. The area immediately surrounding the existing concrete pad is vegetated mostly with non-native, weedy species, including ice plant, French broom, annual grasses and large mats of crabgrass. Expansion of the concrete pad for the new water tanks had the potential to impact up to six (6) individual seacliff buckwheat plants, but did not result in any impacts to the existing plants in the vicinity. No other potentially significant biological resources or special status species were identified in this area.
- 2) Underground installation of transmission pipeline – The project involved the replacement installation of approximately 600 linear feet of transmission pipe in a shallow trench from the water tank site down an existing dirt road to the top of the ridge above Garrapata Creek. This area is also vegetated with Northern Coastal Scrub habitat, and includes widely scattered, very low density seacliff buckwheat. The installation of the pipeline involved the mowing of a narrow strip of vegetation on the hill slope and then trenching with a hand-held ditch-witch. The biologist recommended flagging the seacliff buckwheat plants, and aligning the pipeline route to avoid impacting buckwheat shrubs, which was avoided during construction activities. No other potentially significant biological resources or special status species were identified along the pipeline route.
- 3) Replace overland pipeline - The project involved the replacement installation of approximately 600 linear feet of transmission pipe between the well enclosure and the top of the ridge above Garrapata Creek. The pipeline crosses the stream channel on an elevated cable support, and proceeds overland uphill to the point of connection with the underground pipe. The area was originally a canopy of Northern Coastal Scrub vegetation; however, the area is now covered with dense cape ivy, which has replaced natural habitat above Garrapata Creek in this particular area. No trenching

or ground disturbance occurred for this portion of the replacement transmission pipe. The biologist concluded that the elevated crossing above the Garrapata Creek stream channel would not impact riparian habitat, and most other existing vegetation along the pipeline route had been replaced by undesirable and highly invasive cape ivy.

- 4) Well Enclosure Accessory Structure – The well enclosure does not support native vegetation.

Biological Resources 4(a and b) – Less than Significant.

County records and the pre-construction biological report indicated the presence of seacliff buckwheat in the area of the water tanks and the underground portion of the transmission pipeline. The ECDP (PLN090207) required the monitoring of construction activities by a qualified biologist, specifically to ensure avoidance of the seacliff buckwheat; however, the applicant did not ensure the presence of a qualified biological monitor on the site during construction activities. Nevertheless, the post-construction biological report prepared for the project concluded that no impacts occurred to this sensitive species. All areas that were disturbed as part of the project were appropriately revegetated subsequent to the disturbance. All buckwheat plants were flagged prior to the initiation of construction and were avoided during construction. No buckwheat plants were removed as a result of the project and no impacts occurred to the federally-listed Smith's blue butterfly. The assessment included pre- and post-construction site visits, and review of pre- and post-construction photographs.

Based on the information in the pre-construction biological report, and pre-construction site visits, the project avoided impacts by design. All buckwheat plants within the project area that had the potential to be impacted were identified and flagged. The tank configuration and pipeline alignment were then designed to avoid all individual buckwheat plants. Although a qualified biologist was not present during construction activities, a qualified biologist evaluated the project site post-construction. During the site visit all the flags previously placed prior to construction were identified and all the buckwheat plants were left intact and unaffected by construction activities. Installation of the water system improvements did not result in an adverse change to the biological quality of the project area, did not result in an inconsistency with policies designed to safeguard biological resources in the project area, and did not result in a significant impact per CEQA standards. Therefore, potential impacts to sensitive species and habitat were less than significant. (Source: IX. 1, 3, 6, 9, 10)

Biological Resources 4 (c through f) – No Impact. Based on the pre- and post-construction biological reports, the project did not involve or result in adverse effects on federally protected wetlands; did not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; did not conflict with any local policies or ordinances protecting biological resources; and did not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. The project resulted in no impacts. (Source: IX. 1, 3, 6, 9, 10)

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX. 1, 2, 3, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 1, 2, 3, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.5 above.

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 3, 8) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Strong seismic ground shaking? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil? (Source: IX. 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS				
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: IX. 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX. 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Geology and Soils 6(a.i and a.ii) – Less than Significant.

County records indicate the site is in a Relatively Stable Area, with low risk for either landslides or liquefaction. The geotechnical evaluation prepared for the project, based on review of the site and applicable literature, did not observe nor identify any significant, site-specific geological hazards. Although the project site would be exposed to ground-shaking from any of the faults that traverse Monterey County, the project was constructed in accordance with applicable seismic design parameters in the California Building Code. Therefore, the project resulted in less than significant impacts related to fault rupture or seismic ground-shaking. (Source: IX. 1, 3, 6, 8)

Geology and Soils 6(a.iii, a.iv, and b through e) – No Impact.

County records indicate the site is in a Relatively Stable Area, with low risk for either landslides or liquefaction. The geotechnical evaluation prepared for the project, based on review of the site and applicable literature, did not observe nor identify any significant, site-specific geological hazards. Although the project site would be exposed to ground-shaking from any of the faults that traverse Monterey County, the project was constructed in accordance with applicable seismic design parameters in the California Building Code. The building sites are relatively flat and stable with regard to soil erosion. Approximately 1,200 linear feet of distribution pipe from the well to the water tanks was installed in or over slope exceeding 30 percent. Approximately 600 linear feet of pipe was installed on the surface over the steepest terrain from the well site to the top of the ridge above Garrapata Creek and the well site. Approximately 600 linear feet was installed in a shallow trench from the top of the ridgeline to the water tank site. Post-construction site review identified that the disturbance area was minimized and restored to pre-construction condition. The project involved the installation of improvements to an existing water system, which does not require a wastewater disposal system. The project resulted in no impacts to geology and soils regarding landslides, liquefaction, expansive soils, erosion, or disposal of wastewater. (Source: IX. 1, 3, 6, 8)

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX. 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Greenhouse Gas Emissions 7(a) – Less than Significant.

The Office of Planning and Research (OPR) is the state-wide, comprehensive planning agency that is responsible for making policy recommendations and coordinating land use planning efforts. The OPR also coordinates the state-level review of environmental documents pursuant to the CEQA. Currently, the OPR’s stance on greenhouse gases (GHG) significance thresholds has been to allow each lead agency to determine their own level of significance. At this time, the Monterey Bay Unified Air Pollution Control District (MBUAPCD) has not finalized specific GHG thresholds of significance, and Monterey County has not adopted either a climate action plan or thresholds of significance. On October 24, 2008, the California Air Resources Board (CARB) released their interim CEQA significance thresholds for GHG impacts dictating that a project would be considered less than significant if it meets minimum performance standards during construction and if the project, with mitigation, would emit no more than approximately 7,000 million metric tons of carbon dioxide per year during operation. The primary source of criteria air pollutant and GHG emissions would stem from the use of heavy equipment during installation of the new water storage tanks. However, heavy equipment use was intermittent and limited to demolition, site preparation, and some construction activities. Pollutant emissions resulting from heavy equipment use during construction did not exceed significance thresholds established by the CARB for GHG because the duration of use was very limited. Moreover, the project would not create any air emissions beyond those associated with current uses established on the property. Since the use of the property would not intensify beyond existing uses, the impacts would be less than significant. The project’s construction and use emissions are below the applicable GHG significance thresholds established by CARB, and the MBUAPCD has no established GHG thresholds. The project would not conflict with any local or state GHG plans or goals. The project did not result in permanent impacts to greenhouse gas emissions, and resulted in less than significant impacts during construction activities. (Source: IX. 1, 2, 3, 6)

Greenhouse Gas Emissions 7(b) – No Impact.

As described above, the project does not conflict with any local or state GHG plans or goals, and resulted in no impacts. (Source: IX. 1, 2, 3, 6)

8. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX. 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: IX. 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.8 above.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: IX. 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.9 above.

10. LAND USE AND PLANNING				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: IX. 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: IX. 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.10 above.

11. MINERAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX. 2, 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: IX. 2, 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.11 above.

12. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Noise 12(a through c, d and f) – No Impact.

The project will not expose residents to noise levels that exceed standards nor substantially increase ambient noise levels. Also, residents will not be exposed to excessive groundborne vibration or ground-borne noise levels. The project sites are not located in the vicinity of an airport or private airstrip. The project resulted in no permanent noise impacts. (Source: IX. 1, 3, 6)

Noise 12(d) – Less than Significant.

The project may have exposed residents to a temporary increase of noise during construction; however, the project parcels are approximately 16 acres or larger. The large parcel size and distance between structures minimized potential noise or vibration impacts caused by equipment during construction. There is no evidence that persons residing or working near the project sites were significantly impacted by noise or vibrations related to this project. The project resulted in less than significant impacts during construction activities. (Source: IX. 1, 3, 6)

13. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.13 above.

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Police protection? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.14 above.

15. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Discussion/Conclusion/Mitigation: See Section IV.15 above.

16. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Result in inadequate emergency access? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

16. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.16 above.

17. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.17 above.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: IX. 1, 3, 5, 6, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: IX. 1, 2, 3, 6, 10, 11) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX. 1, 2, 3, 5, 6, 7, 8, 11, 12)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) Less than Significant. Based upon the analysis throughout this Initial Study, the project resulted in less than significant impacts to Biological Resources. The project had the potential to degrade the quality of the surrounding environment and reduce the number of an endangered plant. The biological resources analysis above indicated that potential impacts to special-status plants and animals and sensitive natural communities, including environmentally sensitive habitat (ESHA), were either mitigated by design or were less than significant. Installation of the water system improvements did not result in an adverse change to the biological quality of the project area, did not result in an inconsistency with policies designed to safeguard biological resources in the project area, and did not result in a significant impact. Furthermore, the project did not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or restrict the range of a rare or endangered plant or animal.

The project resulted in no impacts to Agriculture and Forest Resources and Cultural Resources. The project did not result in the loss of forest land or conversion of forest land to non-forest use.

The project parcels are not located near any agricultural or forest lands, and the project resulted in no impacts to agricultural or forest resources. The cultural resources analysis above indicates that the site does not contain any significant cultural, archaeological, or historical resources, and did not eliminate important examples of the major periods of California history or prehistory. (Source: IX. 1, 3, 5, 6, 8, 9, 10, 11, 12)

(b) No Impact. Based upon the analysis throughout this Initial Study, the project resulted in no cumulative impacts. Implementation of the project, as proposed and conditioned, would not result in an increase of development potential for the project site or the surrounding area. (Source: IX. 1, 2, 3, 6, 10, 11)

(c) Less than Significant. The project resulted in less than significant impacts to Aesthetics, Air Quality, Geology and Soils, Greenhouse Gas Emissions, and Noise.

The project site is located within a scenic vista and along a scenic road or highway, and included a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. A specific component of the water system (i.e., two water storage tanks) is partially visible from the scenic highway, Highway 1. Implementation of the system improvements resulted in a negligible adverse impact on views and visual character and resulted in a less-than-significant impact to aesthetic resources. Nevertheless, the County will require the applicant to implement mitigations to further reduce the visual impact of the new water tanks. Operation of vehicles during construction activities may have generated airborne odors (e.g., diesel exhaust); however, such emissions would have been localized to the immediate area under construction and would have been short in duration. While the project site would be exposed to ground-shaking from any of the faults that traverse Monterey County, the project was constructed in accordance with applicable seismic design parameters in the California Building Code. The primary source of criteria air pollutant and GHG emissions would stem from the use of heavy equipment during installation of the new water storage tanks. However, heavy equipment use was intermittent and limited to demolition, site preparation, and some construction activities. Pollutant emissions resulting from heavy equipment use during construction did not exceed significance thresholds established by the CARB for GHG because the duration of use was very limited. Moreover, the project would not create any air emissions beyond those associated with current uses established on the property. Construction-related noise or vibration impacts were minimized by the large parcel sizes and the distance between structures. (Source: IX. 1, 2, 3, 5, 6, 7, 8, 11, 12)

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN110027 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. REFERENCES

1. Project Application (dated December 19, 2011)/Plans (Plan Set dated July 6, 2009)
2. 1982 Monterey County General Plan
3. Big Sur Coast Land Use Plan and Coastal Implementation Plan (Part 3), and County GIS database
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. 2008 Air Quality Management Plan (AQMP) for the Monterey Bay Region, Monterey Bay Unified Air Pollution Control District, Revised August 2008. Sixth Revision to the 1991 AQMP for the Monterey Bay Region.
6. Site Visits conducted by the project planner on June 9, 2009, and March 13, 2012.
7. Preliminary Cultural Resources Reconnaissance (Archaeological Report) (LIB100010), prepared by Susan Morley, Pacific Grove, California, August 2009.
8. Preliminary Geotechnical Soil Evaluation (LIB110480), Grice Engineering and Geology, Inc., Salinas, California, June 10, 2009.
9. Preliminary Biological Assessment (LIB110481), Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 10, 2009.
10. Biological Impact Assessment (LIB110482), Denise Duffy & Associates, Monterey, California, August 2011.
11. Visual Impact Assessment (LIB110483), Denise Duffy & Associates, Monterey, California, August 2011.
12. 2008 CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District

EXHIBIT G
TECHNICAL REPORTS
(BIOLOGICAL & VISUAL)

PLN110027 – Garrapata Water System

Planning Commission
November 14, 2012

Biological Impact Assessment

Garrapata Water System Emergency
Improvements

Prepared by:



Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

August, 2011

I. Introduction

Purpose of Report

The purpose of a Biological Impact Assessment (assessment) is to provide an assessment of the project's biological impacts. This assessment is intended to clearly describe the relevant pre-project conditions and the biological impacts of the project, consistent with the requirements of the County of Monterey. The project consists of emergency water system improvements to the Garrapata Water System (the project). The water systems improvements have already been made to the Garrapata Water System as per emergency conditions; therefore this assessment evaluates the impacts of the improvements by comparing pre-project and as-built conditions.

II. Project Description

Project Purpose

In 2009, the private owners of the Garrapata Water System were granted an emergency permit by Monterey County to install required improvements to the water system. The improvements were necessary to ensure the system continued to supply safe drinking water for its recipients.

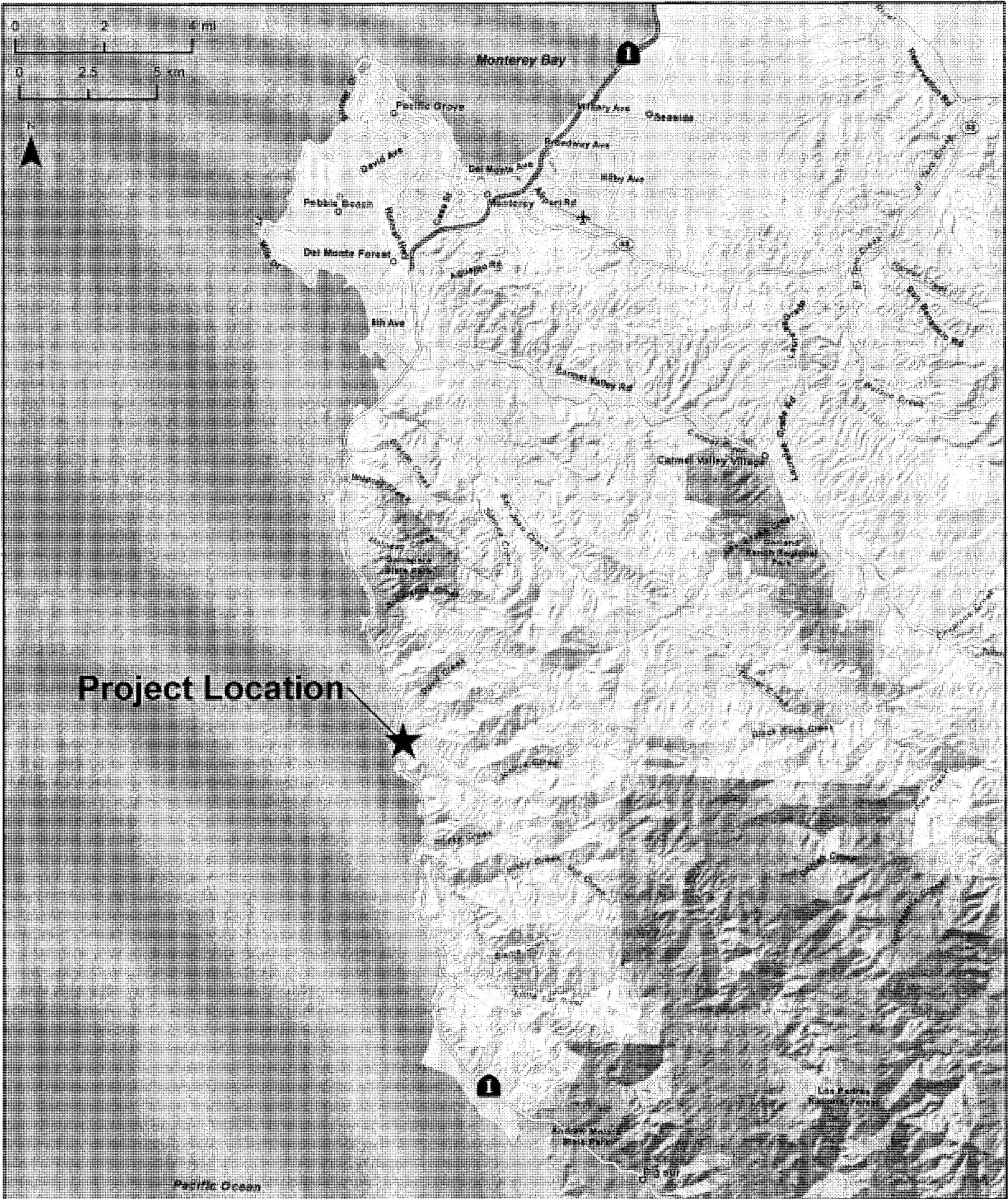
Project Description

The project, as evaluated by this assessment, consists of emergency water system improvements to the Garrapata Water System. These improvements were granted by an emergency permit by the County of Monterey Zoning Administrator on June 12, 2009 subject to certain conditions of approval, including Condition No. 8, which requires that a Combined Development Permit be obtained pursuant to Section 20.70 of the Monterey County Zoning Ordinance.

Improvements implemented as part of the Emergency Permit (PLN090207) were water system upgrades consisting of: 1) the removal of two existing 13,000 gallon water tanks and their replacement with two 32,000 gallon tanks; 2) the installation of a new distribution pipeline from the well to the new tanks; and 3) the installation of a new filtration system in a new accessory structure within an existing well enclosure.

Project Location

The project site is located at 35681 and 35781 Highway 1 on Assessor's Parcel Numbers: 243-301-021-000, 243-301-029-000, 243-301-030-000 in the Big Sur area of unincorporated Monterey County. The site is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Overlay. The site is located in the Coastal Zone (WSC/40-D(CZ)). **Figure 1** displays a regional map and **Figure 2** displays the project location.




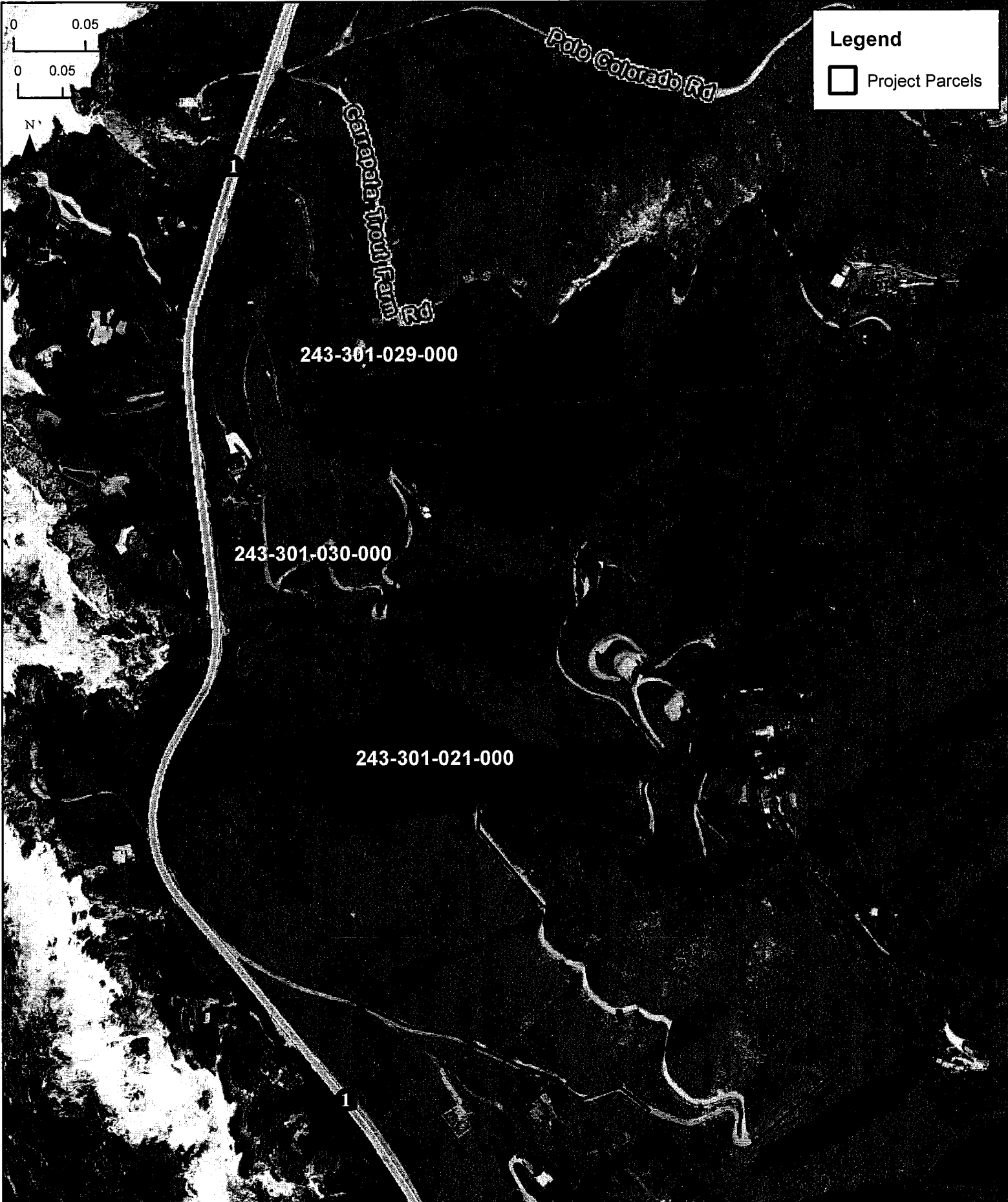
Project Location



Title:	Regional Map
File:	Regional Map.mxd

Date:	09-02-11
Scale:	1 inch = 2.92 miles
Project:	2011-06 Garrapata

	Denise Duffy and Associates, Inc. Environmental Consultants Resource Planners	Monterey San Jose 947 Cass Street, Suite 3 Monterey, CA 93940 (831) 373-4341	Figure 1
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Title: **Project Location**

File: **Project Location Map.mxd**

Date: 08-02-11

Scale: 1 inch = 0.09 miles

Project: 2011-06 Garrapata



Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Monterey | San Jose

Figure
2

III. Regulatory Setting

Federal

Federal Endangered Species Act

Provisions of the federal ESA of 1973 (16 USC 1532 *et seq.*, as amended) protect federally listed threatened or endangered species and their habitats from unlawful take. Listed species include those for which proposed and final rules have been published in the Federal Register by the Service or National Oceanic and Atmospheric Administration National Marine Service (NOAA Fisheries). The ESA is administered by the Service and NOAA Fisheries. In general, NOAA Fisheries is responsible for the protection of ESA listed marine and anadromous fish species, whereas other listed species are under Service jurisdiction.

Federal Candidate species are "taxa" for which Service has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded." Federal Candidate species are not afforded formal protection, although Service encourages other federal agencies to give consideration to Candidate species in environmental planning. In 1996, the Service discontinued the Category 3 and 4 classifications for federal Candidate species. Species are identified as Candidate species with a listing priority classification, designated as federal "species of concern," or are no longer given any federal status.

Section 9 of ESA prohibits the take of any fish or wildlife species listed under ESA as endangered. Take, as defined by ESA, is "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Harm is defined as "any act that kills or injures the species, including significant habitat modification." In addition, Section 9 prohibits removing, digging up, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction. Section 9 does not prohibit take of federally listed plants on sites unless those sites are on federal land. If there is the potential for take of a federally listed wildlife species, a Section 7 (federal agency) or Section 10 (private landowner) Service Incidental Take Permit may be required to authorize the "incidental take" of that species. Federal agency actions include activities that are on federal land, conducted by a federal agency, funded by a federal agency, or authorized by a federal agency (including issuance of federal permits).

State

California Endangered Species Act

The CESA was enacted in 1984. The California Code of Regulations (Title 14, Section 670.5) lists animal species considered endangered or threatened by the state. Section 2090 of CESA requires state agencies to comply with endangered species protection and recovery and to promote conservation of these species. Section 2080 of the Fish and Game Code prohibits "take" of any species that the commission determines to be an endangered species or a threatened species. "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill." It does not include habitat destruction in the definition of take. A Section 2081 Incidental Take Permit from the DFG is required to "take" any state listed species.

Native Plant Protection Act

The California Native Plant Protection Act (CNPPA) of 1977 directed the DFG to carry out the legislature's intent to "preserve, protect, and enhance rare and endangered plants in the state." The Act prohibits importing rare and endangered plants into California, taking rare and endangered plants, and selling rare and endangered plants. According to Section 2050-2098 of the DFG Code, the CESA and CNPPA authorized the DFG Commission to designate endangered, threatened, and rare species and to regulate the taking of these species. Plants listed as rare under the CNPPA are not protected under CESA.

California Fish and Game Code and Regional Water Quality Control Board

At the state level, wetlands and waters are regulated primarily by the DFG and the RWQCB. Sections 1600-1607 of the DFG require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify the DFG before beginning construction. If the DFG determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. DFG jurisdictional limits are usually defined by the tops of the stream or lake banks or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the USACE may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the DFG.

The RWQCB oversees water quality as per the Porter-Cologne Water Quality Control Act. The RWQCB also issues Water Quality Certification permits in compliance with Section 401 of the CWA.

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. Section 3503 of the DFG Code prohibits the killing, possession, or destruction of bird eggs or bird nests. Section 3503.5 and 3513 prohibit the killing, possession, or destruction of all nesting birds (including raptors and passerines). Section 3503.5 states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto." Section 3513 prohibits the take or possession of any migratory non-game birds designated under the federal Migratory Bird Treaty Act. Section 3800 prohibits take of non-game birds.

DFG also maintains a list of animal "Species of Special Concern," most of which are species whose breeding populations in California may face extirpation if current population trends continue. Although these species have not been formally listed as endangered, DFG recommends considering these species during analysis of Proposed Project impacts to protect declining populations and avoid the need to list them as endangered in the future. The Natural Heritage Division of the DFG administers the state Rare Species Program. DFG maintains lists of designated endangered, threatened, and rare plant and animal species. Listed species either were designated under the California Native Plant Protection Act or designated by the DFG Commission. In addition to recognizing three levels of endangerment, DFG can afford interim protection to Candidate species while they are being reviewed by the DFG Commission.

California Coastal Act

Development within the coastal zone may not commence until a coastal development permit has been issued by either the CCC or a local government that has a CCC-certified local coastal program. The CCC may designate areas of rare or unique biological value, such as wetland and riparian habitat and habitats for special-status species, as ESHA. Development is restricted within the coastal zone and prohibited

within designated ESHA unless the development is coastal dependant and does not have a significant effect on the resources. After certification of an LCP, coastal development permit authority is delegated to the appropriate local government, but the Commission retains original permit jurisdiction over certain specified lands (such as tidelands and public trust lands). The Commission also has appellate authority over development approved by local governments in specified geographic areas as well as certain other developments.

Other State Conservation Programs

Under provisions of Section 15380(d) of CEQA, the project lead agency, in making a determination of significance, must treat non-listed plant and animal species as equivalent to listed species if such species satisfy the minimum biological criteria for listing. In general, the DFG considers plant species on List 1 or 2 of the CNPS *Inventary of Rare and Endangered Vascular Plants of California* (CNPS, 2008) as qualifying for legal protection under this CEQA provision. Species on CNPS List 3 or 4 may, but generally do not, qualify for protection under this provision.

Local Regulatory Setting

Monterey County General Plan

The Monterey County General Plan applies only to the unincorporated parts of the County. Each city is responsible for its own planning and general plan. In some cases, a city's general plan may address areas outside its corporate limits, but until annexation of these areas occurs, the County General Plan policies and land use designations apply. Every reasonable attempt has been made to provide meaningful guidance in area-wide issues which transcend local community interests, such as preservation of farmlands, watershed management, and intercity transportation. The General Plan is intended to be sensitive to the cities, surrounding counties, and special districts which affect and are affected by the County's planning and development. Its role is to guide countywide activities so that governmental decisions at all levels are compatible and integrated.

Big Sur Coast Area Plan

Land use planning in the project area is directed by the Land Use Plan for the Big Sur Coast (LUP) segment of Monterey County's Local Coastal Program (LCP).

The LUP has specifically been prepared to conform to the purposes and spirit of the California Coastal Act. Its proposals are intended to resolve the difficult issues that face Big Sur's future.

IV. Impact Analysis

Assessment activities included site visits and review of pre and post-project photographs. The analysis is based on the existing biological character in comparison to the pre-project conditions to determine if significant impacts have accrued that will require remedial action.

A preliminary biological assessment was conducted on June 9, 2009 of the project site by local biologist Nicole Nedeff. The purpose of the visit was to detail the habitat values of the site and identify any special status plant or wildlife species or sensitive habitat that might be impacted by the proposed project. The only occurrence or significant potential occurrence of biological resources with the potential to be impacted by the project was the presence of multiple individuals of seacliff buckwheat.

Please see Ms. Nedeff's preliminary Biological Assessment dated June 12, 2009 for a detailed description of project conditions prior to construction. Seacliff buckwheat is the obligate host of the federally endangered Smith's blue butterfly. Ms. Nedeff determined that impacts to the butterfly could be avoided if the infrastructure improvements could be situated to avoid individual buckwheat plants.

In conformance with Ms. Nedeff's conclusion the Garapata Water Company contracted DENISE DUFFY & ASSOCIATES, Inc. (DD&A) biologists to identify and flag all buckwheat plants within the project area that had the potential to be impacted. The tank configuration and pipeline alignment were then designed to avoid all individual buckwheat plants. DD&A biologist were not present during construction, but evaluated the project site in Late July of 2011. During the site visit all the flags previously placed prior to the project construction were identified and all the buckwheat plants were left intact and unaffected by construction activities (Figures 3, 4, and 5).

All areas that were disturbed as part of the project were appropriately revegetated subsequent to the disturbance. All Buckwheat plants were flagged prior to the initiation of construction and were avoided during construction. No buckwheat plants were removed as a result of the project and no impacts occurred to the federally endangered Smith's blue butterfly.



Photo 1. Pre-project conditions from tank location facing west.



Photo 2. Post-project conditions from tank location facing west.

Figure 3

Title:

**Pre and Post Project
Conditions**

Date:
08-22-2011



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Environmental Consultants Resource Planners

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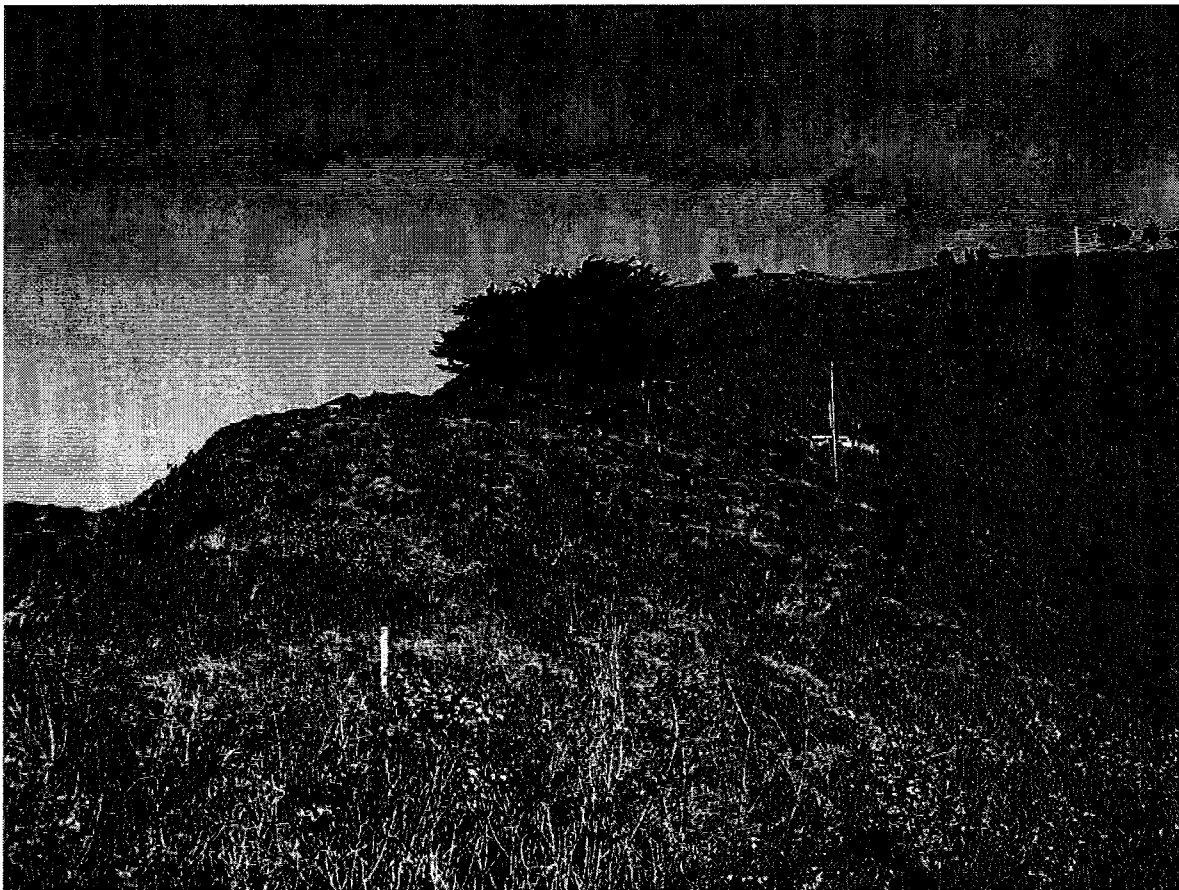


Photo 3. Pre-project conditions from road location facing east.



Photo 4. Post-project conditions from road location facing east.

Figure 4

Title:

**Pre and Post Project
Conditions**

Date:
08-22-2011



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Environmental Consultants Resource Planners

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Photo 5. Pre-project conditions from road location facing tank location.



Photo 6. Post-project conditions from road location facing tank location.

Figure 5

Title:

**Pre and Post Project
Conditions**

Date:
08-22-2011



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VI. Summary and Conclusion

This Biological Impact Assessment has been prepared in order to evaluate potential biological impacts that may have resulted from improvements made under an emergency permit granted by Monterey County to the owners of the Garrapata Water System.

Implementation of the improvements made to the water system did not result in an adverse change to the biological quality of the project area, did not result in an inconsistency with policies designed to safeguard biological resources in the project area, and did not result in a significant impact per CEQA standards.

Visual Impact Assessment

Garrapata Water System Emergency Improvements

Prepared by:



Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

August, 2011

I. Introduction

Purpose of Report

The purpose of a Visual Impact Assessment (VIA) is to provide an assessment of a project's visual impacts. This VIA is intended to clearly describe the relevant pre-project conditions and the aesthetic impacts of the project, consistent with the requirements of the County of Monterey. The project consists of emergency water system improvements to the Garrapata Water System (the project). The water systems improvements have already been made to the Garrapata Water System as per emergency conditions, therefore this VIA evaluates the impacts of the improvements by comparing pre-project and as-built conditions.

This VIA has been prepared consistent with the County of Monterey's application requirements for a Combined Development Permit for the project, which consists of a Coastal Development Permit to allow development within the Big Sur Critical Viewshed.

Report Organization

Section 1 briefly introduces the project and defines its purpose and need. Section 2 provides a detailed project description. Section 3 describes the regulatory environment of the project area. Section 4 describes an overview of the Environmental Setting, including the Existing Visual Environment and Viewer Groups, Existing Visual Character, Existing Visual Quality, Existing Viewer Sensitivity, Exposure and Awareness. Section 5 analyzes potential impacts of the project. Section 6 considers the project in relation to the California Environmental Quality Act. Section 7 provides a summary and conclusion. Sections 8 and 9 list the report's preparers and references used in the preparation of this report.

II. Project Description

Project Purpose

In 2009, the private owners of the Garrapata Water System were granted an emergency permit by Monterey County to install required improvements to the water system. The improvements were necessary to ensure the system continued to supply safe drinking water for its recipients.

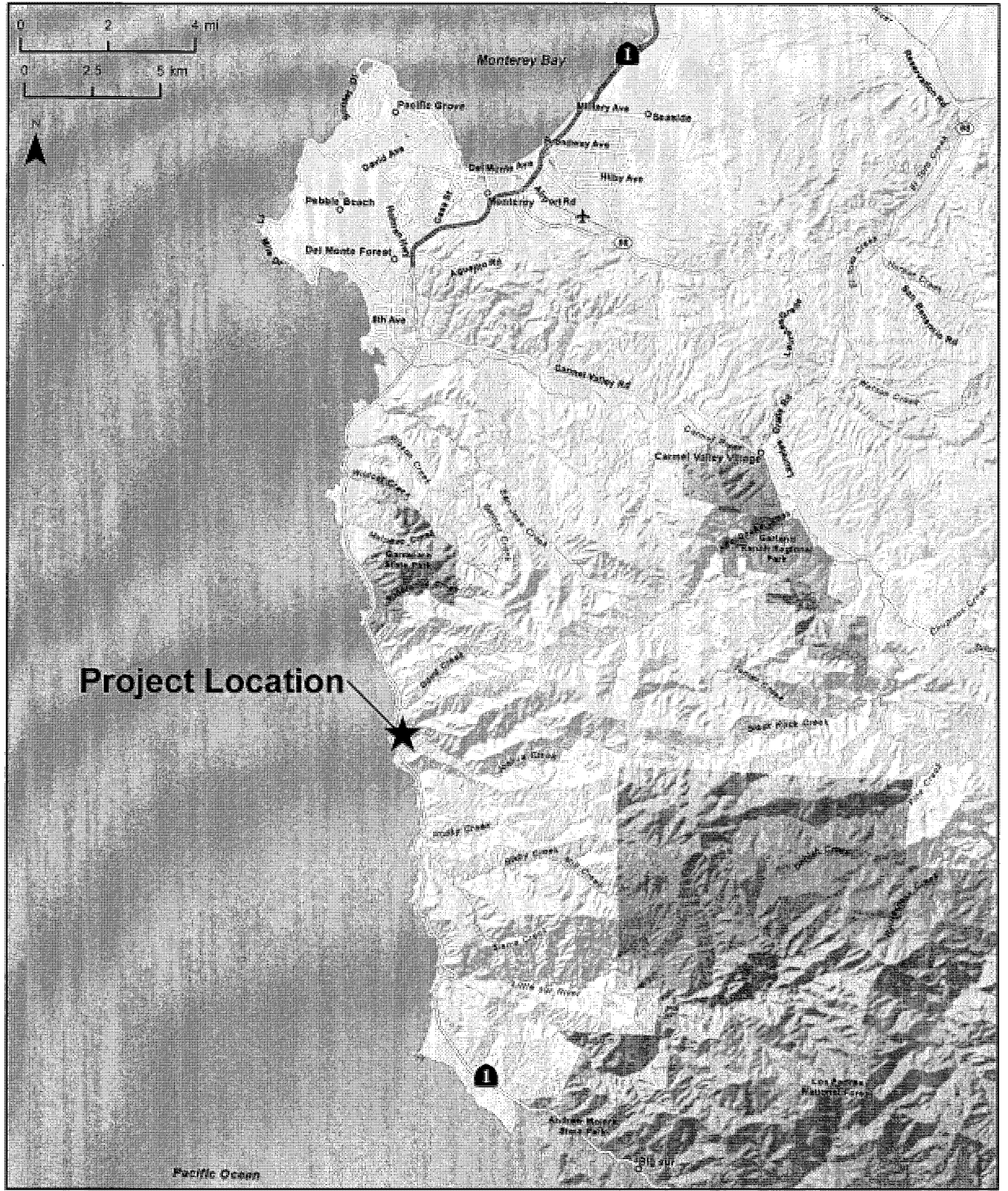
Project Description

The project, as evaluated by this VIA, consists of emergency water system improvements to the Garrapata Water System. These improvements were granted by an emergency permit by the County of Monterey Zoning Administrator on June 12, 2009 subject to certain conditions of approval, including Condition No. 8, which requires that a Combined Development Permit be obtained pursuant to Section 20.70 of the Monterey County Zoning Ordinance.

Improvements implemented as part of the Emergency Permit (PLN090207) were water system upgrades consisting of: 1) the removal of two existing 13,000 gallon water tanks and their replacement with two 32,000 gallon tanks; 2) the installation of a new distribution pipeline from the well to the new tanks; and 3) the installation of a new filtration system in a new accessory structure within an existing well enclosure.

Project Location

The project site is located at 35681 and 35781 Highway 1 on Assessor's Parcel Numbers: 243-301-021-000, 243-301-029-000, 243-301-030-000 in the Big Sur area of unincorporated Monterey County. The site is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Overlay. The site is located in the Coastal Zone (WSC/40-D(CZ)). **Figure 1** displays a regional map and **Figure 2** displays the project location.



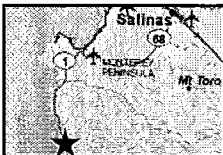
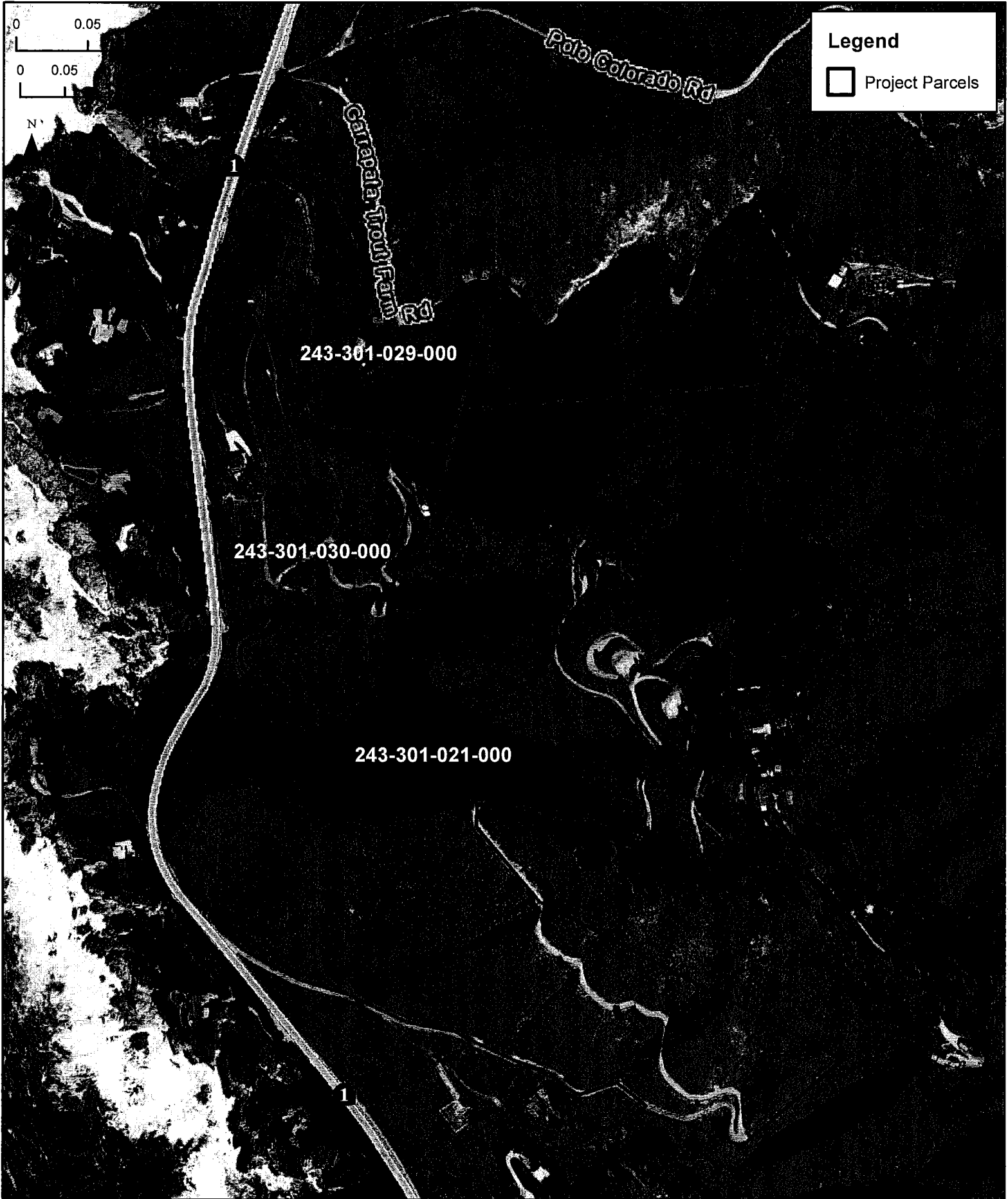
Project Location



File:	Regional Map
File:	Regional Map.mxd

Date:	09-02-11
Scale:	1 inch = 2.62 miles
Project:	2011-06 Garrapata

	<p>Monterey San Jose</p> <p>Denise Duffy and Associates, Inc.</p> <p>Environmental Consultants Resource Planners</p> <p>947 Cass Street, Suite C Monterey, CA 93940 (831) 373-4381</p>	<p>Figure</p> <p>1</p>
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Title: **Project Location**

File: **Project Location Map.mxd**

Date: 08-02-11

Scale: 1 inch = 0.09 miles

Project: 2011-06 Garrapata



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Figure
2

III. Regulatory Setting

Federal Regulatory Setting

National Scenic Byways Program

State Route 1 (commonly referred to as "Highway 1") from Carmel-by-the-Sea south to Big Sur and beyond, including adjacent to the project site, is designated as an "All American Road" under the Federal Highway Administration's (FHWA) National Scenic Byways Program. To receive an All-American Road designation, a road must possess multiple intrinsic qualities (historic, cultural, natural, scenic, recreational, or archaeological) that are nationally significant and contain one-of-a-kind features that do not exist elsewhere. The road must also be considered a "destination unto itself," and must provide an exceptional travel experience.

State Regulatory Setting

California Environmental Quality Act (CEQA)

Monterey County, as permitting agency for the project, must comply with the California Environmental Quality Act (CEQA) that establishes that it is the policy of the state to take all action necessary to provide the people of the state "with...enjoyment of *aesthetic*, natural, scenic and historic environmental qualities." [CA Public Resources Code Section 21001(b)] CEQA Guidelines, Appendix G contains the following thresholds as guidance for analyzing aesthetic impacts. "Does the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?"

California Coastal Act

The project site lies within the Coastal Zone of Monterey County in an area that is within a certified Local Coastal Program (LCP), the Big Sur Coast Area Plan. Therefore, this LCP applies to the project, and the project must be consistent with LCP policies.

State Scenic Highway Program

Highway 1 is a State Scenic Highway. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. This project is within the viewshed of an officially designated scenic highway, Highway 1; therefore, the project must be evaluated for whether it has the potential to affect the scenic highway and whether it is consistent with the protection program.

Local Regulatory Setting

The project site is located within unincorporated Monterey County within the Big Sur Coast Planning Area.

Monterey County General Plan

The Monterey County General Plan applies only to the unincorporated parts of the County. Each city is responsible for its own planning and general plan. In some cases, a city's general plan may address areas outside its corporate limits, but until annexation of these areas occurs, the County General Plan policies and land use designations apply. Every reasonable attempt has been made to provide meaningful guidance in area-wide issues which transcend local community interests, such as preservation of farmlands, watershed management, and intercity transportation. The General Plan is intended to be sensitive to the cities, surrounding counties, and special districts which affect and are affected by the County's planning and development. Its role is to guide countywide activities so that governmental decisions at all levels are compatible and integrated.

Big Sur Coast Area Plan

Land use planning in the project area is directed by the Land Use Plan for the Big Sur Coast (LUP) segment of Monterey County's Local Coastal Program (LCP).

The LUP has specifically been prepared to conform to the purposes and spirit of the California Coastal Act. Its proposals are intended to resolve the difficult issues that face Big Sur's future.

The major features of the LUP are to:

- Guide all future planning decisions for County and State agencies, and set direction for the U. S. Forest Service in its planning.
- Show the kinds, locations, and intensities of land uses allowed, therefore, serving as a basis of zoning and other implementing actions.
- Present policies concerning land development and environmental protection and management.
- Call for management of Highway 1 and all other governmental activities on the Coast.
- Set forth detailed review procedures for all applications based on a permit review process.
- Set forth a system for coordinating the actions of all involved government agencies.
- Provide an environmental resource management data base to support the plan and future planning decisions and provide for the periodic updating of this information.
- Identify the urgent need for financial assistance to the County in preserving Big Sur's natural resources and cultural heritage. Funds are specifically needed to protect scenic views and to provide public access.

IV. Environmental Setting

Assessment activities for the environmental setting included site visits, review of pre and post-project photographs, and preparation of an existing conditions inventory. Preparing the existing conditions inventory relied in part on materials from other technical areas that influence the visual environment.

The existing conditions inventory describes the existing visual character of the project area, identifies the types of viewer groups that would view the project, describes sensitivity to changes in the viewed environment (viewer sensitivity), and categorizes the existing visual quality using three categories based on the FHWA system. The visual quality categories are then used to help assess changes in the visual environment that may have occurred as a result of the project. The three visual quality categories are as follows:

- **Low Visual Quality.** Areas that have low visual quality may have features that seem visually out of place, lack visual coherence, do not have compositional harmony, and contain eyesores.
- **Medium Visual Quality.** These areas can be generally pleasant appearing but may lack distinctiveness, memorability, drama, and compositional harmony, or may simply be common and ordinary landscapes.
- **High Visual Quality.** These areas may be memorable, distinctive, unique (in a positive way), intact natural or park-like areas, or urban areas with strong and consistent architectural and urban design features.

Representative locations, or key observation points (KOPs), were selected which represent locations from where the site is able to be viewed from a northern, western, and southern viewpoint. These three points represent vehicles approaching and passing by the project site on Highway 1.

People (viewers) of a project can be categorized as having low, medium, or high sensitivity to changes in the viewed environment. Viewer sensitivity is strongly influenced by a viewer's activity, awareness of his or her surroundings, and amount of time spent looking at a view. People such as residents or regular park users who see a landscape multiple times for long periods of time would be aware of changes in the landscape. They would likely appreciate or be familiar with a landscape's aesthetic qualities and are assumed to have high viewer sensitivity. People who view a landscape infrequently, view it for short periods of time (often as they pass through it), or are not attentive to it due to focusing on other activities (such as driving or working) are often less sensitive to changes and are assumed to have low viewer sensitivity.

Viewers with average viewer sensitivity include workers and customers who may expect a somewhat pleasant visual setting for the establishments they work in or frequent but are in the locations for purposes other than enjoying its scenery or visual quality. The visual quality of an area can provide a good indication of how responsive an area's most sensitive viewers would likely be to changes in the visual environment. For example, viewers with high viewer sensitivity in areas that are categorized as having high visual quality would be expected to react more to changes in the visual environment than they would in areas that have medium or low visual quality. This concept can help determine areas where a project might be expected to have its greatest impacts on visual resources.

Existing Visual Environment (visual character, visual quality, viewer groups, and visual sensitivity)

The project is located within unincorporated Monterey County in the Big Sur area. The Big Sur Coast Land Use Plan includes a discussion of the existing visual environment and the importance of aesthetic resources within the planning area, as follows:

The Big Sur coast of Central California is over seventy miles in length and stretches from the Carmel area on the north, south to the San Luis Obispo County line near San Simeon. Perhaps the largest single coastal planning area in California, the Big Sur region is also among the most geographically distinctive.

The western slopes of the Santa Lucia Mountains, reaching an elevation of 5,200 feet at Cone Peak, drop precipitously to the sea. Much of the coast is bounded by sheer cliffs. Great offshore rocks punctuate the dramatic meeting of land and sea. Beaches are few; strong currents, waves, and cold water make swimming hazardous. Nearly fifty separate streams flow down the mountains to join the sea. Several of these, such as the Big Sur and Little Sur Rivers, Big Creek, Garrapata Creek, and Salmon Creek, have substantial year-round flows and support anadromous and resident game fish. The Big Sur coast is rich in plant and wildlife diversity. Coast redwoods are found in the cool, moist canyons. The Santa Lucia fir and many other rare plants are present. Mountain lion, an occasional black bear, deer, and many smaller terrestrial animals and birds make Big Sur their home. While the California sea otter refuge runs the length of the coast, the otter is only a small part of the diverse spectrum of marine wildlife.

The scenic qualities and the natural grandeur of the coast which result from the imposing geography, the rich vegetative compositions, and the dramatic meeting of land and sea are the area's greatest single attraction to the public. Big Sur has attained a worldwide reputation for spectacular beauty; sightseeing and scenic driving are the major recreational activities.

Recognizing the Big Sur coast's outstanding scenic beauty and its great benefit to the people of the State and the Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote, wherever possible, the restoration of the natural beauty of visually degraded areas.

The County's basic policy is to prohibit all future public or private development visible from Highway 1 and major public viewing areas. The County's basic policy is that future land use development on the Big Sur coast shall be extremely limited, in keeping with the larger goal of preserving the Coast as a natural scenic area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape.

There is longstanding concern for the protection of the scenic beauty of the Big Sur area. During the early 1940's, the County's refusal to approve service station roadside advertising resulted in national attention. A landmark court decision in favor of the County, upheld the right of local government to regulate aesthetics through the police power. In the 1960's, Highway One was

designated as the first scenic highway in California's new State Scenic Highway System. Many other measures have been taken by the County to preserve the outstanding visual qualities of the Big Sur area. These have included, among other things, use of the Scenic Conservation zone, careful site, design and landscaping control, and abatement of visual nuisance.

In spite of these controls, increased development has gradually encroached into areas of outstanding beauty. In some cases this has been caused by poorly sited homes, or structures which have not been designed to blend well enough with their surroundings. In other cases, highly visible roads have been built on scenically sensitive mountainsides to provide access to new homesites or residential parcels. In still other cases, public agencies have undertaken construction with little sensitivity to the land or to Big Sur's aesthetic values.

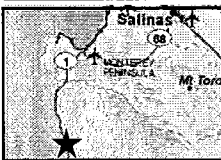
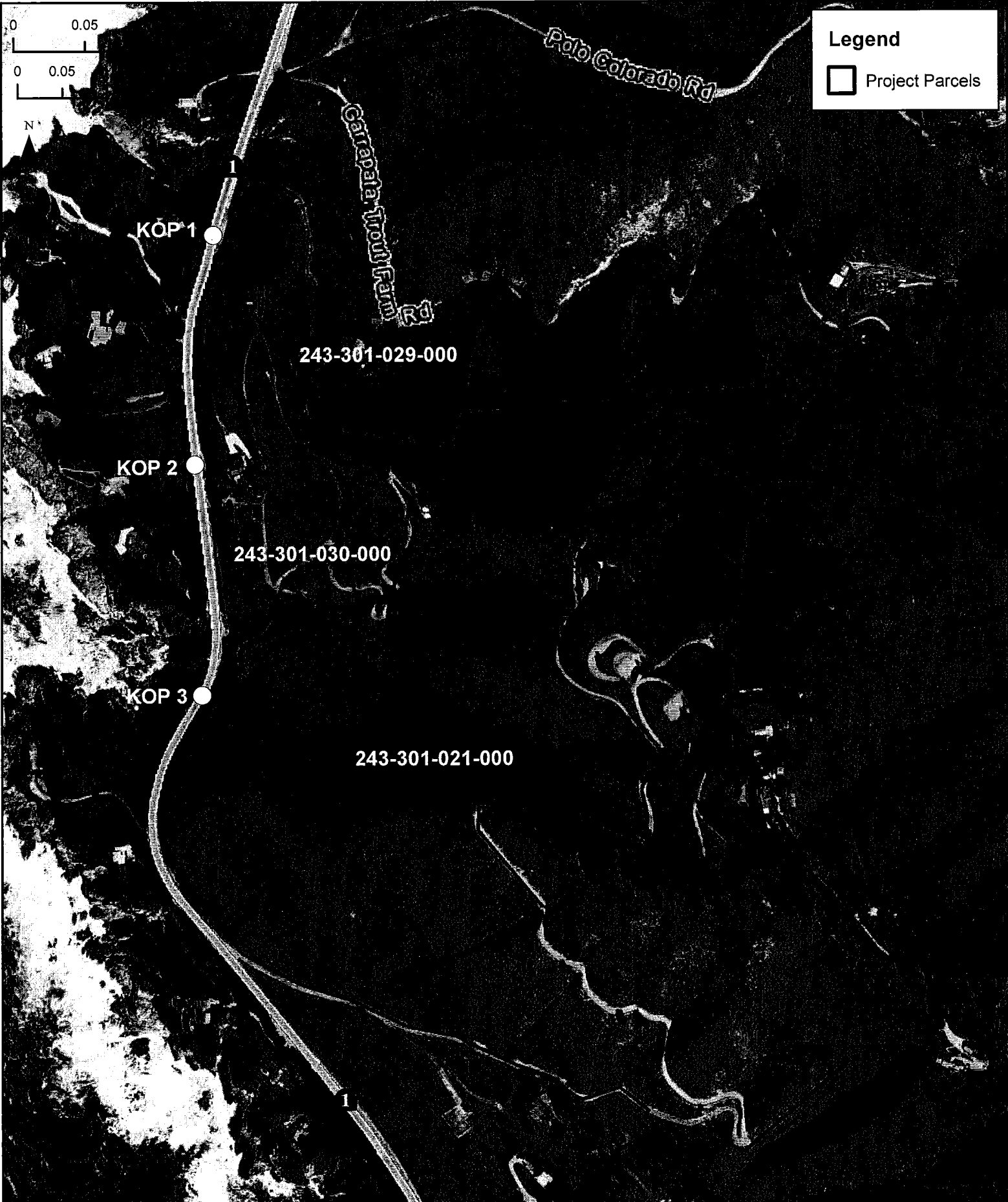
The aesthetic and scenic qualities and semi-wilderness character of the coast have received national and even international acclaim. Accordingly, the issue of visual resource protection is probably the most significant and far reaching question concerning the future of the Big Sur coast. A major premise of this plan is that unusual action must now be taken to preserve the coast's scenic beauty and natural appearance. The strong policies set forth in this plan are intended to safeguard this critically important resource. If carried out, they should assure the protection of the scenic magnificence of the area and reflect the desire of the people of Monterey County and the Big Sur community to preserve their heritage for present and future generations.

The existing visual environment for each KOP is described below. The existing visual environment analysis includes discussion of the existing visual character, visual quality, viewer groups, and the visual sensitivity for each KOP. KOP locations are depicted on **Figure 3**. Photographs of pre-project existing conditions are provided in **Figure 4**.

KOP 1: North of Project Site on Highway 1

KOP location 1 is north of the project site on Highway 1. For purposes of this VIA, this generalized location is meant to represent the area that automobiles traveling south on Highway 1 would potentially view the project site. Water system components (the two former storage tanks) were visible from the highway in this general location by passing motorists before the emergency improvements were implemented as the water tanks were located at an elevated location on a sloped hillside above existing residences; other components of the water system were not visible from the highway in this location.

Views from this northerly location in relation to the project site include scattered views of rural residences located along the coastline directly adjacent to the highway and open views of the extended Big Sur coastline to the south. Although visible, the storage tanks did not distract from views of the immediate surrounding area or open views of the coastline, based on their location and the limited amount of time the tanks were viewable to passing motorists. Visual quality: High. Viewer Sensitivity: High.



Title: **KOP Locations**

File: **KOP Locations.mxd**

Date: 08-02-11

Scale: 1 inch = 0.09 miles

Project: 2011-06 Garrapata



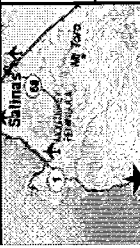
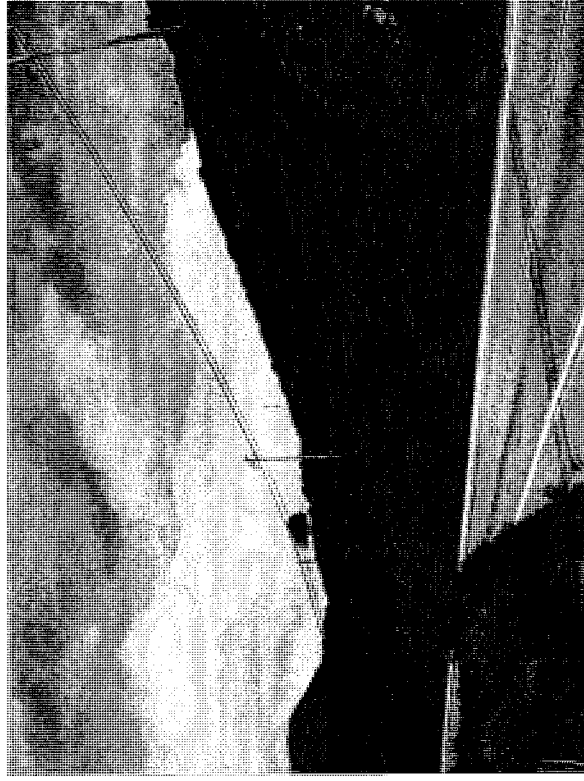
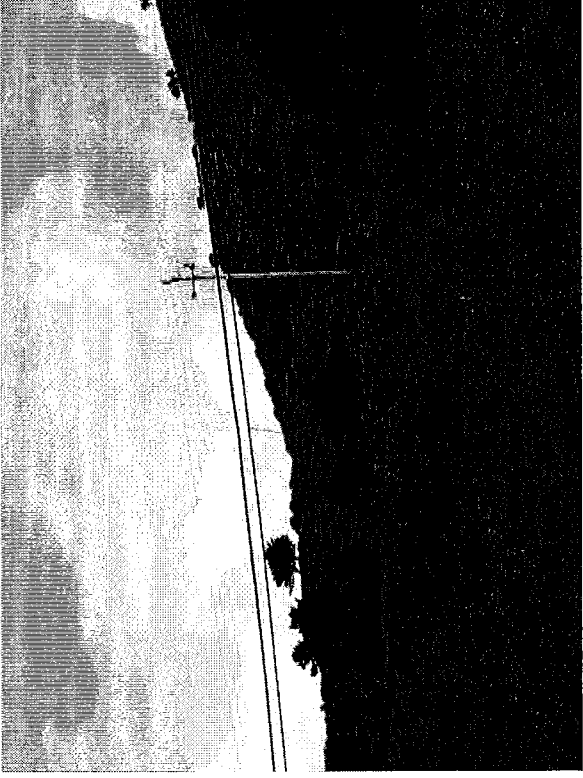
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Figure
3



Title:

Pre-Project Conditions

File:

Fig 4 Pre-Project Conditions Photos.pdf

Date: 08-02-11

Scale: N/A

Project: 2011-06 Garrapata



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Figure

4

KOP 2: West of Project Site on Highway 1

KOP location 2 is west of project site on Highway 1. For purposes of this VIA, this generalized location is meant to represent the area that automobiles traveling south or north on Highway 1 would potentially view project site. Water system components (the two former storage tanks) were visible from the highway in this general location by passing motorists before the water system improvements were implemented as the water tanks were located at an elevated location on a sloped hillside above existing residences; other components of the water system were not visible from the highway in this location.

Views from this westerly location in relation to the project site include scattered views of rural residences located along the coastline directly adjacent to the highway and open views of the extended Big Sur coastline to the south and north. Although visible, the storage tanks did not distract from views of the immediate surrounding area or open views of the coastline, based on their location and the limited amount of time the tanks are viewable to passing motorists. Visual quality: High. Viewer Sensitivity: High.

KOP 3: South of Project Site on Highway 1

KOP location 3 is north of project site on Highway 1. For purposes of this VIA, this generalized location is meant to represent the area that automobiles traveling north on Highway 1 would potentially view the project site. Water system components (the two former storage tanks) were visible from the highway in this general location by passing motorists before the water system improvements were implemented as the water tanks were located at an elevated location on a sloped hillside above existing residences; other components of the water system were not visible from the highway in this location.

Views from this southerly location in relation to the project site include scattered views of rural residences located along the coastline directly adjacent to the highway and open views of the extended Big Sur coastline to the north. Although visible, the storage tanks did not distract from views of the immediate surrounding area or open views of the coastline, based on their location and the limited amount of time the tanks are viewable to passing motorists. Visual quality: High. Viewer Sensitivity: High.

Visual Consistency and Key Observation Point Analyses

The purpose of the tables below displays the existing visually quality of each KOP followed by what has been the change in visual quality, if any, as a result of implementation of the project. The tables demonstrate a formalized approach based upon the FHWA's Visual Impact Assessment methodology using the accepted assessment criteria and terminology for describing visual quality, as set forth in FHWA's *Visual Impact Assessment for Highway Projects* manual in order to provide the visual and aesthetic resource analysis of the proposed project.

Visual quality assessments examine the composition of the character-defining features for selected views and determine how a proposed project might impact the features of the view. These assessments seek to ask the following questions:

- Is this particular view common or dramatic?
- Is this particular view a pleasing composition (with a mix of elements that seem to belong together) or not (with a mix of elements that either do not belong together or are eyesores and contrast with the other elements in the surroundings)?

Visual quality is determined in terms of three components: vividness, intactness, and unity. These three components are described below:

Vividness is the degree of drama, memorability, or distinctiveness of the landscape components. Vividness is composed of four elements—*landform, vegetation, water features, and human-made elements*—that usually influence the degree of vividness.

Intactness is a measure of the visual integrity of the natural and human-built landscape and its freedom from encroaching elements. This factor can be present in well-kept urban and rural landscapes, as well as in natural settings. High intactness means that the landscape is free of eyesores and is not broken up by features that appear to be out of place. Intactness is composed of two primary elements—*development and encroachment*—that influence the degree of intactness.

Unity is the degree of visual coherence and compositional harmony of the landscape when it is considered as a whole. High unity frequently attests to the careful design of individual components and their relationship in the landscape.

The concepts of vividness, intactness, and unity and rating them may be somewhat esoteric for the general reader, but they were used to determine visual quality categories as illustrated in **Tables 1 and 2** (**Table 2** is found in the next section). This approach has been used to describe existing conditions and project impacts, if any.

Table 1, Existing Conditions

KOP	Vividness	Intactness	Unity	Visual Quality Category
KOP 1: Highway 1 North of Project Site	High. Memorable views of Big Sur coastline.	High. Prominent uninterrupted views of Big Sur coastline.	High. Prominent uninterrupted views of Big Sur coastline.	High.
KOP 2: Highway 1 West of Project Site	High. Memorable views of Big Sur coastline.	High. Prominent uninterrupted views of Big Sur coastline.	High. Prominent uninterrupted views of Big Sur coastline.	High.
KOP 3: Highway 1 South of Project Site	High. Memorable views of Big Sur coastline.	High. Prominent uninterrupted views of Big Sur coastline.	High. Prominent uninterrupted views of Big Sur coastline.	High.

V. Impact Analysis

Post-Project Photographs

Post-project (i.e. post water system improvements) photographs are provided below as **Figure 5**.

Visual Consistency and Key Observation Point Analyses

As described in the previous section of this VIA, a visual consistency and key observation point analysis was conducted for the project to determine visual quality in terms of three components: vividness, intactness, and unity, for a pre and post-project setting.

Table 2, Change in Visual Quality Categories, briefly explains why and if the project changed the existing visual quality enough to lower the category of the location described. In all cases, implementation of project did change the visual quality of a KOP area and did not result in a lowering of the visual quality category. This assessment focused on impacts that would change the existing visual quality category of one or more categories (such as high to medium or medium to low). If a project feature was determined to have reduced the visual quality, then it would have been determined to have an adverse impact on visual quality.



Title:

Post-Project Conditions

File:

Fig 5 Post-Project Conditions Photos.pdf

Date: 08-02-11

Scale: N/A

Project: 2011-06 Garrapata



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Figure

5

Table 2, Post-Project Conditions

KOP	Vividness (Existing) with Project	Intactness (Existing) with Project	Unity (Existing) with Project	Visual Quality Category (Existing) with Project
KOP 1: Highway 1 North of Project Site	(High) No change in rating. The project did not have a notable impact upon the vividness of views of the surrounding area.	(High) No change in rating. The project did not have a notable impact upon the intactness of views of the surrounding area.	(High) No change in rating. The project did not have a notable impact upon the unity of views of the surrounding area.	(High) No Change in Rating
KOP 2: Highway 1 West of Project Site	(High) No change in rating. The project did not have a notable impact upon the vividness of views of the surrounding area.	(High) No change in rating. The project did not have a notable impact upon the intactness of views of the surrounding area.	(High) No change in rating. The project did not have a notable impact upon the unity of views of the surrounding area.	(High) No Change in Rating
KOP 3: Highway 1 South of Project Site	(High) No change in rating. The project did not have a notable impact upon the vividness of views of the surrounding area.	(High) No change in rating. The project did not have a notable impact upon the intactness of views of the surrounding area.	(High) No change in rating. The project did not have a notable impact upon the unity of views of the surrounding area.	(High) No Change in Rating

Consistency with Regional and Local Plans

The Big Sur Coast Land Use Plan (LUP) is the primary planning document for the project area and it contains guidance, goals, and specific policies relating to maintaining and improving the appearance of the physical environment. The improvements made to the water system did not introduce new features into the viewed physical environment; project improvements replaced existing infrastructure. The sole component within the public viewshed was a replacement of two existing storage tanks in the same location. Therefore, implementation of the project did not create an inconsistency with regional and local planning policies designed to project existing visual resources.

Below an analysis is provided of the consistency of the project with relevant LUP policies. The project, the emergency improvements implemented for the water system, is consistent with all other regional and local plans.

3.2.1 Key Policy

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

Consistent. Although the two water storage tanks of the water system are visible from various locations on Highway 1, improvements made as per the emergency permit to the water tanks did not introduce new features into the viewed physical environment as improvements were made to existing water system components. Furthermore, the site of the water system storage tanks is partially obscured from the Highway 1 viewshed by existing natural topography. No other component of the water system improvements are within view from the critical viewshed.

3.2.3 Critical Viewshed

A. Policies

1. In order to avoid creating further commitment to development within the critical viewshed all new parcels must contain building sites outside the critical viewshed.

Consistent. Improvements made to the water system were implemented on existing infrastructure located on existing parcels.

2. The best available planning techniques shall be used to permit development of parcels partially in the critical viewshed. These may include clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the critical viewshed.

Consistent. This VIA has been prepared consistent with the requirements of this policy to the extent possible. Existing improvements were implemented on an emergency basis and this VIA evaluates pre-project and post-project conditions consistent with the intent of this policy.

3. Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.

Consistent. This VIA has been prepared consistent with the requirements of this policy to the extent possible. Existing improvements were implemented on an emergency basis and this VIA evaluates pre-project and post-project conditions consistent with the intent of this policy. Improvements implemented to the water system were conducted on existing infrastructure located on existing parcels.

4. New roads, grading or excavations will not be allowed to damage or intrude upon the critical viewshed. Such road construction or other work shall not commence until the entire project has

completed the permit and appeal process. Grading or excavation shall include all alterations of natural landforms by earthmoving equipment. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gulying, provided a plan is submitted and approved prior to commencing work.

Consistent. Improvements implemented to the water system were conducted on existing infrastructure located on existing parcels and did not damage or intrude upon the critical viewshed by introducing new adverse elements.

5. Where it is determined that a proposed development cannot be resited, redesigned, or in any other way made to conform to the basic critical viewshed policy, then the site shall be considered environmentally inappropriate for development.

Consistent. This VIA has been prepared consistent with the requirements of this policy to the extent possible. Existing improvements were implemented on an emergency basis and this VIA evaluates pre-project and post-project conditions consistent with the intent of this policy.

6. The County will participate with other public agencies and private groups to secure adequate funds to purchase critical viewshed parcels proposed for development or to secure for use by restricted landowners, other developable land areas to which new development can be transferred. The value of parcels, for purposes of establishing purchase price, shall not be diminished by virtue of their location in the viewshed or by the policies of this section.

Consistent. Improvements made to the water system were implemented on existing infrastructure located on existing parcels.

7. The general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure. Replacement or enlargement of structures outside the critical viewshed shall be permitted as long as such replacement or enlargement does not cause the structure to intrude into critical viewshed.

Consistent. Improvements made to the water system were implemented on existing infrastructure located on existing parcels. The capacity size of the water system's storage tanks was increased, however, this did not result in a noticeable enlargement of the tanks from viewpoints in the critical viewshed.

B. Procedures For identifying whether A Proposed Project Would Intrude On The Critical Viewshed.

1. All development applications shall require individual onsite investigations to determine whether they would intrude on the critical viewshed. The proposed buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads, by stakes with flags which shall remain in place for the duration of the project review and approval process. Such indications of the extent of development shall be recorded photographically with superimposed representation of the proposed

project. The standard for review is the objective determination of whether any portion of the proposed development is visible from Highway 1 or the major public viewing areas identified in the definition of the critical viewshed. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. Ocean views from Highway 1 shall not be obscured by artificial berming/mounding or landscaping. Distant development, although in the technical line of sight, will not be considered visible if sited and designed so as not to be seen from Highway 1 and other major public viewing areas. Exterior light sources shall be prohibited if such light source would be directly visible from the locations designated in Policy 3.2.2.1 above. The critical viewshed does not include areas visible only from the hiking trails shown on the Trails Plan. All new development not in conformance with the approved representations shall be removed.

Consistent. This VIA has been prepared consistent with the requirements of this policy to the extent possible. Existing improvements were implemented on an emergency basis and this VIA evaluates pre-project and post-project conditions consistent with the intent of this policy.

3.2.4 Land Not in the Critical Viewshed

A. Policies

1. So that the visual continuity may remain undisturbed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.

Consistent. Improvements made to the water system were implemented on existing infrastructure and did introduce new features that disrupt the visual continuity or detract from the natural beauty of the project area.

2. New applicants, when selecting a building site, must consider the visual effects upon public views as well as the views and privacy of neighbors. The portion of a parcel least visible from public viewpoints will be considered the appropriate site for the location of new structures. New structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges. Sites shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

Consistent. This VIA has been prepared in order to evaluate pre-project and post-project conditions consistent with the intent of this policy. Existing Improvements were implemented to the water system on an emergency basis.

3. New development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

Consistent. Existing Improvements were implemented to the water system on an emergency basis. The improvements implemented included the replacement of water storage tanks which do not introduce new features to the project area that detract from the natural beauty of the area.

4. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is possible. Other screening must be of similar plant or tree species.

Consistent. Existing Improvements were implemented to the water system on an emergency basis. The improvements implemented included the replacement of water storage tanks which do not introduce new features to the project area that detract from the natural beauty of the area.

5. Sites for new structures shall be selected to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction.

Consistent. No new roads or access roads were created as a result of improvements made to the existing water system infrastructure.

6. New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, or that permission for the use of an existing road is shown in writing to be unobtainable from neighboring property owners.

Consistent. No new roads or access roads were created as a result of improvements implemented for the existing water system infrastructure.

7. New roads shall avoid steep slopes and shall be located along the margins of forested areas, along natural land contours, or within existing vegetation. Road shall be aligned to minimize removal of native trees, and constructed to minimum standards consistent with the requirements of fire safety and emergency use. Drainage and erosion control measures must be adequate to prevent erosion. During road construction, side-casting of earth materials shall not be permitted; all materials not used for on-site fill shall be removed from the area.

Consistent. No new roads or access roads were created as a result of improvements implemented for the existing water system infrastructure.

B. Procedures For Applying the General Scenic Resources Policies That Apply Outside the Critical Viewshed.

All development applications shall require individual on-site investigations. The proposed dimensions of buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads marked by stakes with flags which shall remain in place for the duration of the project review and approval process. The County shall determine whether the proposed development conforms to the policies set forth in Subsection A of this section.

Consistent. This VIA has been prepared consistent with the requirements of this policy to the extent possible. Existing improvements were implemented on an emergency basis and this VIA evaluates pre-project and post-project conditions consistent with the intent of this policy.

3.2.5 Exceptions to the Key Policy

D. Utilities

It is the County's intent that utilities be installed underground. Overhead power or telephone lines will be considered only where overriding natural or physical constraints exist. Poles will be placed in the least conspicuous locations out of public, and where possible, private view. Exterior lighting will require shielding to reduce its long-range visibility, and to cause the light source to not be visible. Further, exterior lighting shall be downlite and minimal to reduce as much as possible light pollution. Transmitter towers and power facilities must not appear in the critical viewshed. Water lines or underground conduits should be buried or otherwise obscured by vegetation.

Consistent. Improvements implemented for the water system were conducted on existing infrastructure located on existing parcels. Furthermore, with the exception of water system's storage tanks, the remainder of the water system infrastructure is located on private property and is not visible from public viewing locations.

VI. California Environmental Quality Act

AESTHETICS

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1(a),(b),(c). The project site is located within a scenic vista and along a scenic road or highway. A specific component of the water system (i.e. two water storage tanks) is partially visible from the scenic highway, Highway 1. However, the water system improvements that were implemented did not introduce new elements into the viewshed, and, instead replaced two existing water tanks with two new water tanks in approximately the same location. The new water tanks are of a similar appearance to the previous water tanks on the project site as shown in Figures 4 and 5. Implementation of the system improvements did not introduce new project infrastructure that would substantially degrade the existing visual character and quality of the project site or its surrounding area. Therefore, implementation of the system improvements had a negligible adverse impact on views and visual character and represents a less-than-significant impact to aesthetic resources. *(Please see sections IV. Environmental Setting and V. Impact Analysis for further discussion.)*

1(d). The water system improvements did not introduce a use that creates a new source of substantial light that adversely affects nighttime views in the area. The non-reflective muted color of the storage tanks, similar to the tanks that were replaced, does not create a new source of substantial glare that adversely affects day views in the project area.

VII. Summary and Conclusion

This Visual Impact Assessment has been prepared in order to evaluate potential aesthetic impacts that may have resulted from improvements made under an emergency permit granted by Monterey County to the owners of the Garrapata Water System.

Water system improvements implemented on the project site that are within the public viewshed were limited to the replacement of two water storage tanks. Water storage capacity was increased in order to improve the performance of the water system, however, the replacement of the water tanks did not materially increase the visibility of project infrastructure as compared to the existing water tanks such that an adverse visual effect occurred. The replacement tanks are located in the same location as the previous tanks.

Implementation of the improvements made to the water system did not result in an adverse change to the visual quality or visual characteristics of the project area; did not result in an inconsistency to policies designed to safeguard visual resources in the project area; and, did not result in a significant impact per CEQA standards.

VIII. Report Preparers

Denise Duffy & Associates, Inc.

Tyler Potter, Project Manager

Bryce Ternet, Associate Planner

Jami Davis, Graphics

IX. References

County of Monterey, Big Sur Coast LUP, available at:

http://www.co.monterey.ca.us/planning/docs/plans/Big_Sur_LUP_complete.PDF

County of Monterey, Big Sur Coast Coastal implementation Plan, available at:

http://www.co.monterey.ca.us/planning/docs/plans/Big_Sur_CIP.pdf

County of Monterey, Big Sur Coast Highway Management Plan, available at:

<http://www.dot.ca.gov/dist05/projects/bigsur/reports.htm>

County of Monterey, Monterey County 2010 General Plan, available at:

http://www.co.monterey.ca.us/planning/gpu/GPU_2007/2010_Mo_Co_General_Plan_Adopted_102610/2010_Mo_Co_General_Plan_Adopted_102610.htm

Federal Highway Authority, Visual Impact Assessment for Highway Projects, available at:

<http://www.dot.ca.gov/ser/guidance.htm#visual>

State of California, Design Standards for Big Sur Highway, available at:

<http://www.co.monterey.ca.us/planning/docs/plans/Design%20Guidelines%20BSCAC.pdf>

EXHIBIT H
ZONING ADMINISTRATOR
RESOLUTION 090207 (JUNE 12, 2012)

PLN110027 – Garrapata Water System

Planning Commission
November 14, 2012

MONTEREY COUNTY

PLANNING DEPARTMENT

168 W. Alisal St. 2nd Floor Salinas CA 93901
(831) 755-5025 FAX: (831)757-9516**NOTICE OF ISSUANCE OF AN EMERGENCY
COASTAL DEVELOPMENT PERMIT
(COASTAL ZONE)**

PROPERTY OWNERS: Dana and Jane Forsberg, Harold Gurries TR, and Yolanda and Ron Gurries Family Partnership

REPRESENTATIVE: Donald Layne, Garrapata Water Company, Inc.

PROJECT DESCRIPTION: General Emergency Permit to allow the construction and installation of water system upgrades to the Garrapata Water System. Upgrades shall consist of the removal of two existing 13,000 gallon water tanks and replacement with two new 32,000 gallon tanks, the installation of a new distribution pipeline from the well to the storage tanks, and the installation of a new filtration system in a new accessory structure to be placed within the existing well enclosure. The upgrades are required for the system to provide safe drinking water.

PROJECT ADDRESS: 35681 and 35781 Highway 1, Big Sur Coast

APNs: 243-301-021-000; 243-301-029-000; and 243-301-030-000

ISSUANCE DATE: June 12, 2009

FILE #: PLN090207

NOTICE AND CAUSE OF EMERGENCY: Pursuant to Chapter 20.79 of the Monterey County Coastal Implementation Plan (Part 1), the Garrapata Water Company has requested an Emergency Coastal Permit to allow the construction and installation of water system upgrades to the Garrapata Water System. The upgrades are required for the system to meet State health and safety standards. The purpose of Chapter 20.79, *Emergency Permits*, is to provide a means whereby development normally requiring discretionary approvals under this Title may be considered without the normally required public hearing processes to meet an emergency situation. The situation demands immediate action to prevent or mitigate circumstances that are detrimental to the safety, comfort, and general welfare of the persons transiting, occupying, or working on the property. This project is statutorily exempt under 15269(c) of the CEQA

Guidelines. This Administrative decision is appealable to the Monterey County Board of Supervisors and the California Coastal Commission pursuant to Sections 20.79.050.E, 20.86.030.A, and 20.86.080.A of the Monterey County Coastal Implementation Plan (Part 1). Project description and location information is attached. The proposed water system improvements will occur at 35681 and 35781 Highway 1, Big Sur, Coastal Zone.

I. FINDINGS OF FACT

1. **FINDING:** An emergency situation exists which requires more expeditious action than the normal discretionary permit procedure.

EVIDENCE:

- a) The Garrapata Water Company (GWC) submitted an application (dated June 5, 2009) to request an emergency permit for improvements to the Garrapata Water System (GWS). The GWC considers this an emergency, and requests the issuance of an Emergency Coastal Permit for the construction and installation of water system upgrades to the GWS required for the water system to provide safe drinking water per State health and safety standards. The Monterey County Environmental Health Division concurs with this request and has verified in a telephone conversation with the project planner on June 12, 2009, that an emergency exists due to a boiled water order imposed on the GWS. Lack of potable water has caused a situation that is detrimental to the safety, health, and general welfare of the residents. The upgrades are required to meet filtration and time requirements for chlorinated water contact.
- b) The project is located at 35681 and 35781 Highway 1, Big Sur area, Coastal Zone. The proposed project site is located on Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000; and is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay, Coastal Zone [WSC/40-D (CZ)].
- c) Site visit by the project planner on June 9, 2009.
- d) The Coastal Commission staff concurs with the County's determination that an emergency exists, based on a telephone call with the Coastal Commission staff planner on June 12, 2009.
- e) Plans and materials contained in project file PLN090207.

2. **FINDING:** The work authorized by the Emergency Permit is the minimum amount of work required to mitigate the emergency situation...

EVIDENCE:

- a) This Emergency Permit authorizes the construction and installation of water system upgrades to the Garrapata Water System. The upgrades include the removal of two existing 13,000 gallon water tanks and replacement with two new 32,000 gallon tanks, the installation of a new distribution pipeline from the well to the storage tanks, and the installation of a new filtration system in a new accessory structure to be placed within the existing well enclosure. The upgrades

are required to meet filtration and time requirements for chlorinated water contact. Both 32,000 gallon tanks are required as well to meet the contact time requirements. The upgrades will occur at 35681 and 35781 Highway 1 (Assessor's Parcel Numbers 243-301-021-000; 243-301-029-000; and 243-301-030-000), Big Sur, Coastal Zone. No other development is allowed under this Emergency Permit (Condition No. 1).

- b) As identified in Condition No. 8, a follow-up permit is required pursuant to Section 20.70 (Title 20) because there may be issues that require consideration through a permanent or follow-up permit.
- c) Site visit by the project planner on June 9, 2009.
- d) Plans and materials contained in Project File PLN090207.

3. **FINDING:** The work authorized by the Emergency Permit is consistent with the provisions of the applicable Monterey County Local Coastal Program.

EVIDENCE:

- a) Monterey County Resource Management Agency-Planning Department staff has reviewed the request for the construction and installation of water system upgrades to the Garrapata Water System required for the water system to meet State health and safety standards, and has incorporated appropriate conditions that provide resource and environmental protection consistent with Coastal Zone policies contained in the Big Sur Coast Land Use Plan.
- b) Environmentally Sensitive Habitat (ESHA): The project includes development within 100 feet of ESHA. A Preliminary Biological Assessment prepared for this project identified the host plant (seacliff buckwheat) for a federally-protected species (Smith's blue butterfly) in and around the project area. The proposed tank size was modified in order to reduce the potential for impacts. In addition, protection measures will be implemented during all aspects of project demolition, excavation, and construction. Consultation with and monitoring by a biologist is required in order to avoid or reduce impacts to the maximum extent possible (Big Sur Land Use Plan 3.3.2, Policy 4). All seacliff buckwheat plants located within the project area shall be flagged and avoided during all phases of the project. Condition No. 10 requires a qualified biological monitor to be present during all phases of the project. Condition No. 6 requires the applicant to restore all disturbed areas with native vegetation.
- c) Visual Resources/Critical Viewshed Determination: The project includes development within the Big Sur Critical Viewshed. The policies of the Big Sur Coast LUP allow the replacement and enlargement of existing structures on the original site (Policy 3.2.3.A.7). Staff conducted a site visit on June 9, 2009, to assess the potential viewshed impacts of the proposed project. Based on the site visit, staff determined that no alternative building site existed on the parcel to which the proposed structure could be relocated (Policy 3.2.3.A.3). Both the existing and proposed water storage tanks are visible when traveling on Highway One. The applicant revised the plans to reduce the diameter of the new tanks from 25 feet to 18.5 feet. The proposed colors will blend with the surrounding environment (Condition No. 7).

- d) Cultural Resources: The project includes development within an area identified in County records as having a high sensitivity for archaeological resources. No archaeological report was prepared for this project; therefore, archaeological monitoring shall be required during all phases of the project to avoid potential impacts to archaeological/prehistoric cultural resources during project activities (Condition No. 9).
- e) This emergency permit will expire 60 days after issuance. The applicant shall obtain required permits and initiate construction within that time frame (Condition No. 5).
- f) This project will require a follow-up permit (Condition No. 8) to address issues related to maintenance and possible restoration of environmentally sensitive habitat, the Critical Viewshed, and cultural or archaeological resources not addressed through this emergency permit.
- g) Site visit by the project planner on June 9, 2009.
- h) Plans and materials contained in Project File PLN090207.

4. **FINDING:** The establishment, maintenance or operation of the use or structures approved by the Emergency Permit will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such approved use, or, be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by the RMA-Planning Department and the Environmental Health Division, and conditions have been recommended, 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 on the property or in the neighborhood.
- b) The Preliminary Geotechnical Soil Evaluation prepared for this project did not identify any potentially significant impacts regarding soils, and recommended all improvements and tanks bear on undisturbed insitu material to ensure slope stability.
- c) Findings and Evidence 1, 2, and 3 above; and conditions of approval for this Emergency Permit.
- d) Plans and materials contained in Project File PLN090207.

5. **FINDING:** This emergency activity is exempt from the requirements of the California Environmental Quality Act (CEQA).


EVIDENCE:

- a) Section 15269(c) of CEQA statutorily exempts specific actions necessary to prevent or mitigate an emergency.
- b) The work authorized by this Emergency Permit allows the construction and installation of water system upgrades to the Garrapata Water System required for the water system to meet State health and safety standards.

- c) The potential for adverse environmental effects were identified during staff review of the site on June 9, 2009. Staff has incorporated appropriate conditions that provide resource and environmental protection.
- d) Findings and Evidence No. 1 and No. 3.
- e) Plans and materials contained in Project File PLN090207.

II. DECISION OF THE ZONING ADMINISTRATOR

Based on these facts, the Monterey County Zoning Administrator hereby grants an Emergency Permit subject to conditions contained in **Exhibit A**, attached hereto and incorporated herein by reference. **Exhibit B**, **Exhibit C**, and **Exhibit D** are attached hereto and incorporated herein by reference.


Mike Novo, Zoning Administrator
June 12, 2009

Attachments:	Exhibit A	Conditions of Approval
	Exhibit B	Tank Site Plan
	Exhibit C	Preliminary Biological Assessment
	Exhibit D	Preliminary Geotechnical Soil Evaluation

Note: You may need a building and/or grading permits and must comply with the Monterey County Building ordinance in every respect. Do not start any construction until you have obtained the necessary permits and use clearances from the Monterey County Building Department.

cc: Zoning Administrator; California Coastal Commission; California Department of Public Health (Natalia Deardorff); Building Services Department; Dana and Jane Forsberg, Owner; Harold Gurries TR, Owner; Yolanda and Ron Gurries Family Partnership, Owner; Garrapata Water Company (Donald Layne), Agent; Laura Lawrence, Planning Services Manager; Joseph Sidor, Planner; Project File PLN090207.

EXHIBIT A
CONDITIONS MATRIX

PLN090207 – Garrapata Water Co.
Water System Upgrades

Zoning Administrator
June 12, 2009

EXHIBIT A

**Monterey County Resource Management Agency
Planning Department
Condition Compliance Reporting Plan**

Project Name: Garrapata Water System

File No.: PLN090207 **APNs:** 243-301-021-000; 243-301-029-000;
and 243-301-030-000

Approved by: Zoning Administrator **Date:** June 12, 2009

**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	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Compl- ance (name/ date)
1.	PD001 - SPECIFIC USES ONLY This Emergency Coastal Permit (PLN090164) allows the construction and installation of water system upgrades to the Garrapata Water System. The upgrades include the removal of two existing 13,000 gallon water tanks and replacement with two new 32,000 gallon tanks, the installation of a new distribution pipeline from the well to the storage tanks, and the installation of a new filtration system in a new accessory structure to be placed within the existing well enclosure. The upgrades will occur at 35681 and 35781 Highway 1 (Assessor's Parcel Numbers 243-301-021-000; 243-301-029-000; and 243-301-030-000), Big Sur, Coastal Zone. 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated.	/	

Permit Cond. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		<p>unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p> <p>PD002 -- NOTICE - PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution PLN090207) was approved by the Zoning Administrator for Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000 on June 12, 2009. The permit was granted subject to ten (10) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>		Owner / Applicant	Prior to the issuance of building permit or commencement of use.	

Permit Cond. Number	Mitig. Number	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, certified professional is required for action to be accepted.</i>	Responsible Party for Compliance	Timing	Verifica- tion of Compl- iance (perm/ date)
3.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner / Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits.	

Permit Cond Number	Meeting Number	Conditions of Approval and/or Mitigation Measures, and Responsible Branch/Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party to Compliance	Timing	Vehicle Violation Compl aint (time/ date)
		hold the county harmless. (RMA - Planning Department)				
4.		PD010 - EROSION CONTROL PLAN AND SCHEDULE (NON-STANDARD) The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning. All cut and/or fill slopes exposed during the course of drilling shall be covered, seeded, or otherwise treated to control erosion during the course of excavation, subject to the approval of the Director of RMA - Planning. This plan shall be approved by the Director of RMA - Planning. (RMA - Planning Department)	An Erosion Control Plan shall be submitted to the RMA - Planning Department prior to commencement of work. The applicant shall comply with the requirements of the Erosion Control Plan during the course of equipment placement/removal and excavation until project completion.	Owner / Applicant Owner / Applicant	Prior to commence ment of work. Ongoing	
5.		PD032 - PERMIT TIME/YEAR & DATE The permit shall be granted for a time period of 60 days, to expire on August 11, 2009. (RMA - Planning Department)	None	Owner / Applicant	As stated in the conditions of approval.	
6.		PD033 - RESTORATION OF NATURAL MATERIALS Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA - Planning Department)	Submit restoration plan to the RMA - Planning Department for review and approval.	Owner / Applicant	Prior to commence ment 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, certified professionals required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
7.	<p>PD038 - WATER TANK APPROVAL (NON-STANDARD)</p> <p>The water tank shall be painted a non-reflective color and tone that will blend into the area, subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)</p>	<p>Submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.</p> <p>Provide evidence to the Director of the RMA - Planning Department that the water tanks have been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.</p> <p>All landscaped areas and fences shall be continuously maintained; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Prior to the issuance of grading or building permits.</p> <p>Prior to final inspection.</p> <p>Ongoing</p>		
8.	<p>PDSP01 - PERMANENT PERMIT APPLICATIONS (NON-STANDARD)</p> <p>Within 30 days after project completion, the applicant shall submit an application for a Combined Development Permit, pursuant to Section 20.70 of the Monterey County Zoning Ordinance Part 1 (Title 20) for development on slope greater than 30 percent, development within 100 feet of environmentally sensitive habitat, and for development within the Critical Viewshed. (RMA - Planning Department)</p>	<p>Applicant shall submit an application, within 30 days after project completion, for a Combined Development Permit. If more time is needed, the applicant shall submit a letter of justification with evidence and expected date of compliance.</p>	<p>Owner / Applicant</p>	<p>Within 30 days after completion of project.</p>		

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party to Compliance	Timing	Verification of Compliance (Date/Time)
9.		<p>PDSP002 – ARCHAEOLOGICAL MONITORING (NON-STANDARD)</p> <p>An archaeological monitor shall be present during all phases of the project which could potentially alter the soil within the boundaries of the project site (e.g.; demolition, grading, pad construction, trenching, etc.). The monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If potentially significant cultural resources are discovered, work shall be halted in the area of the find until it can be evaluated and, if necessary, data recovery is conducted. The applicant shall retain a qualified archaeologist to monitor and ensure conduct of the requirements of the mitigation and monitoring plan. The overall goals of the mitigation and monitoring plan are to limit damage to the cultural resources site through avoidance; to oversee the demolition, grading, and construction activities; to ensure compliance with the mitigation and monitoring plan; and to conduct prehistoric cultural data recovery, analysis, reporting, and curation of any materials which are encountered during the project. Prior to issuance of a demolition permit, the applicant shall provide to the RMA-Planning Department a copy of the contractual agreement with a qualified archaeologist for review. The applicant shall also provide evidence of the presence of the archaeologist on-site during demolition of existing structures and new construction, and any measures necessary to be in place and in good order</p>	<p>The applicant shall submit the contract with a Registered Professional Archeologist to the Director of the RMA – Planning Department for approval.</p> <p>The applicant shall submit evidence of on-site monitoring during all phases of demolition, excavation, and new construction. Photos and archaeologist certification shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant per Archeolo- gist</p> <p>Owner/ Applicant per Archeolo- gist</p>	<p>Prior to the issuance of a demolition or building permit.</p> <p>Ongoing during all phases of demolition, excavation, and construction.</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required or a sign-off to be accepted	Responsible Party for Compliance	Timing	Verifier/Compl. name (date)
		<p>through construction. Photos shall be dated on a weekly basis (or as determined by the monitoring archaeologist) and submitted with a certification from the archaeologist. If additional mitigation measures are determined to be required, they shall be formulated and implemented by the monitoring archaeologist, after review and approval by the Planning Department. (RMA – Planning Department)</p>				
10.		<p>PDSP003 – BIOLOGICAL MONITORING (NON-STANDARD) In order to limit the disturbed area and minimize biological impacts, a qualified biological monitor shall be present during all phases of the project which could potentially alter the vegetation and/or soil within the boundaries of the project site (e.g.; demolition, grading, pad construction, trenching, etc.). The monitor shall have the authority to temporarily halt work in order to examine any potentially significant biological resources. If potentially significant biological resources are discovered, work shall be halted in the area of the find until it can be evaluated and, if necessary, avoidance measures identified. Prior to issuance of any grading or building permits, or initiation of any work, all seacliff buckwheat plants located within the project area shall be flagged and remain in place undisturbed during all phases of the project. Prior to issuance of a ministerial permit, the applicant shall provide to the RMA-Planning Department a copy of the contractual agreement with a qualified biologist to complete the required monitoring</p>	<p>The applicant shall submit the contract with a qualified biologist to the Director of the RMA – Planning Department for approval.</p>	<p>Owner / Applicant / Biologist</p>	<p>Prior to the issuance of a demolition or building permit.</p>	
			<p>The applicant shall submit evidence of on-site monitoring during all phases of demolition, excavation, and new construction. Photos and biologist certification shall be submitted to the RMA – Planning Department.</p>	<p>Owner / Applicant / Biologist</p>	<p>Ongoing during all phases of demolition, excavation, and construction.</p>	

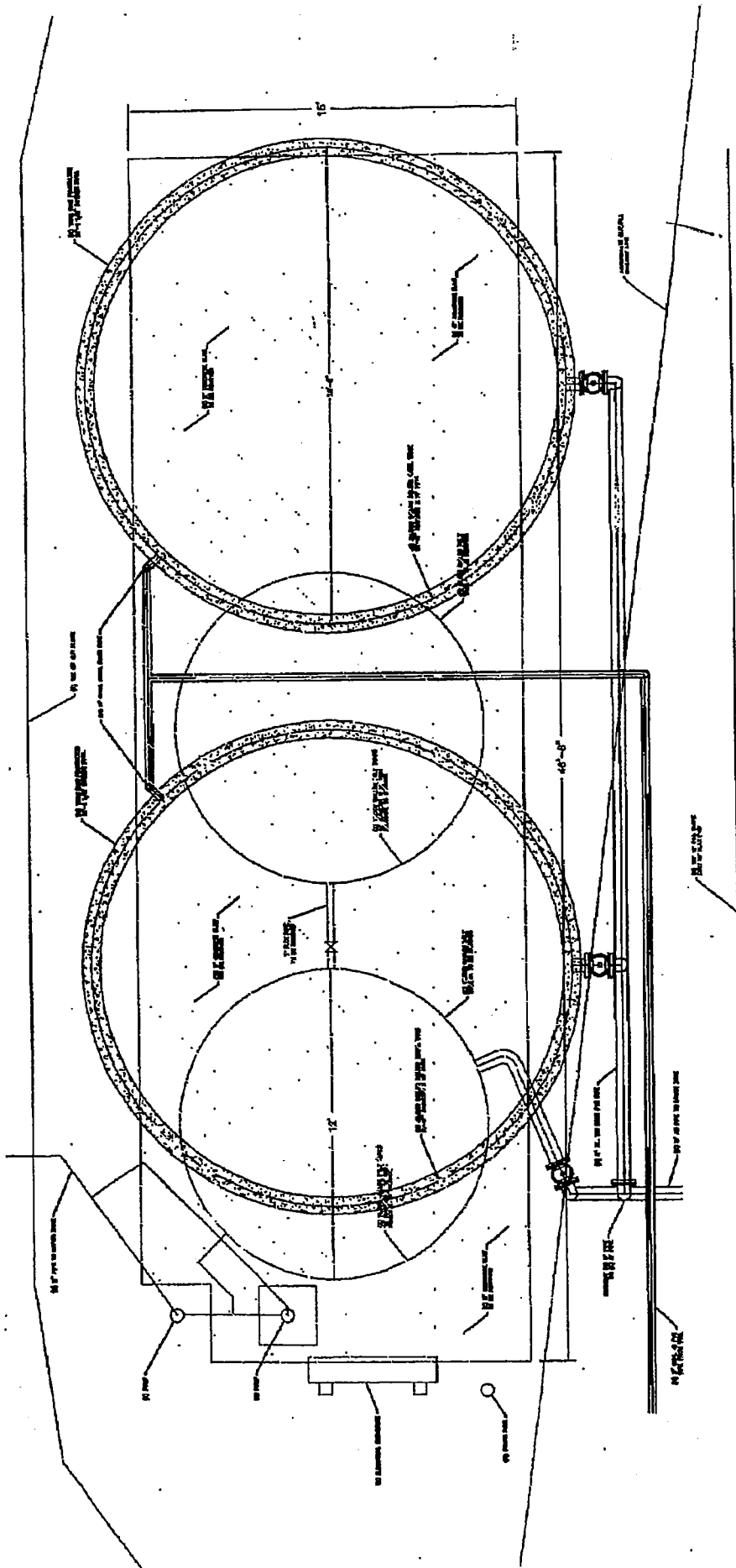
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/ date)
		<p>and work. The applicant shall also provide evidence of the presence of the biologist on-site during demolition of existing structures and new construction, and any measures necessary to be in place and in good order through construction. Photos shall be dated on a weekly basis (or as determined by the monitoring biologist) and submitted with a certification from the biologist. If additional protection measures are determined to be required, they shall be formulated and implemented by the monitoring biologist, after review and approval by the Planning Department. (RMA - Planning Department)</p>				

END OF CONDITIONS

EXHIBIT B
TANK SITE PLAN

PLN090207 – Garrapata Water Co.
Water System Upgrades

Zoning Administrator
June 12, 2009



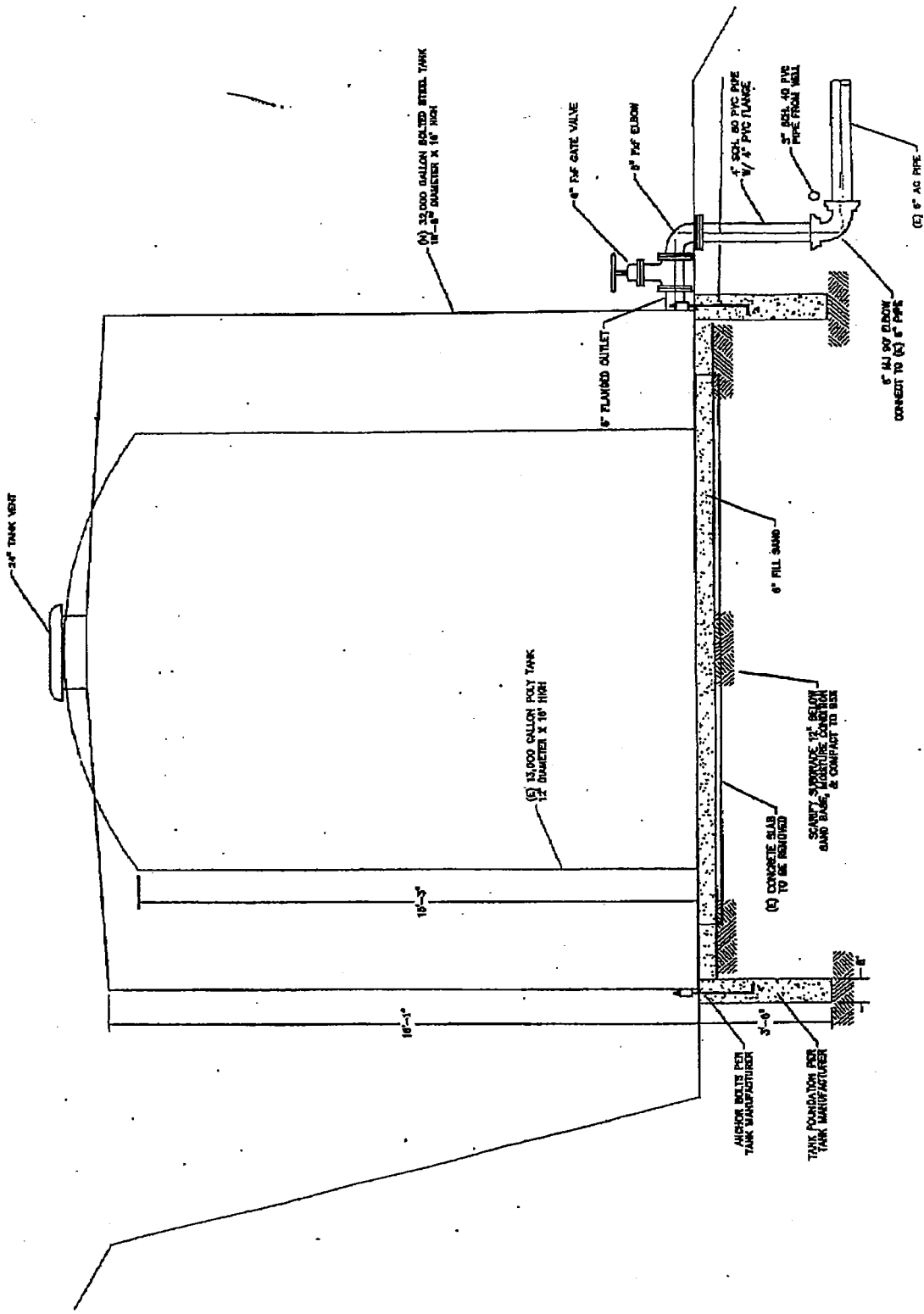


EXHIBIT C
PRELIMINARY BIOLOGICAL ASSESSMENT

PLN090207 – Garrapata Water Co.
Water System Upgrades

Zoning Administrator
June 12, 2009

GARRAPATA WATER COMPANY
PROPOSED IMPROVEMENTS TO WATER STORAGE AND DELIVERY SYSTEM

PRELIMINARY BIOLOGICAL ASSESSMENT
JUNE 10, 2009

A preliminary biological site assessment was conducted June 9, 2009 of areas utilized by the Garrapata Water Company, a small public utility serving 38 connections south of Carmel, California. The Water Company proposes to expand their water storage capability, install a new underground pipeline, replace an overland pipeline, and secure the electrical panel and new filters inside a small shed.

The following brief summary outlines the habitat values at each of the proposed work sites:

1. Water Storage Tanks: To meet requirements for chlorinated water contact time, the Company needs to expand their water storage capability. Two 13,000 gallon water tanks are currently located on a cement pad situated on a hillslope above Highway 1. The tank site is accessed via a graded dirt road. Two options exist for expanding water storage: use the existing concrete pad and install an additional tank, or enlarge the existing pad and bring in two, new 44,000 gallon tanks.

The entire hillslope area around the water tanks is vegetated with biologically diverse Northern Coastal Scrub habitat, which is characterized by low, dense shrub cover dominated by coast sagebrush (*Artemisia californica*), poison oak (*Toxicodendron diversilobum*), lizard-tail (*Eriophyllum staechadifolium*), coyote brush (*Baccharis pilularis*), blue blossom (*Ceanothus thyrsiflorus*), deerweed (*Lotus scoparius*), sticky monkey-flower (*Mimulus aurantiacus*), coffeeberry (*Rhamnus californica*) and occasional black sage (*Salvia mellifera*). Occasional seacliff buckwheat (*Eriogonum parvifolium*) also occurs in the mosaic of shrubs - this buckwheat species is the host plant for the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*).

The area immediately surrounding the existing concrete pad is vegetated mostly with non-native, weedy species, including ice plant, French broom, annual grasses and large mats of crabgrass.

If the existing concrete pad is utilized for an additional water tank, no biological impacts will occur that could potentially impact the integrity of the surrounding Northern Coastal Scrub habitat. If the concrete pad is expanded in size, up to six individual seacliff buckwheat plants may need to be removed, depending on the size of the expanded pad. There are five plants located on the cut slope behind the pad at 2, 4, 7, 8 and 9 feet away from the edge of the concrete. There is one large plant 8.5-feet from the southern edge of the concrete pad. No other potentially significant biological resources or special status species were identified in this area of the proposed project.

2. Installation of New Underground Pipeline: To complete the contact time requirements, a new underground pipeline is proposed to connect the storage tanks with the water delivery system. The pipeline route will extend down hill approximately 500 feet from the tank pad. The proposed pipeline will follow the existing road and then will be situated in Northern Coastal Scrub habitat to the top of the ridge above Garrapata Creek. The area includes widely scattered, very low density seacliff buckwheat. The installation of the pipeline will involve mowing a narrow strip of vegetation on the hillslope and then trenching with a hand-held ditch-witch. By flagging seacliff buckwheat plants, the pipeline route can be situated and installed to avoid impacting buckwheat shrubs. No other potentially significant biological resources or special status species were identified along the pipeline route.

3. Replace Overland Pipeline: The current pipeline between the well and the top of the ridge above Garrapata Creek extends from the well enclosure across the stream channel on an elevated cable support, and then overland uphill to the point of connection with current underground pipe. The existing overland pipe was installed under the canopy of Northern Coastal Scrub vegetation, however is now covered with dense cape ivy (*Delawarea odorata*), which has replaced natural habitat above Garrapata Creek in this particular area.

No trenching or ground disturbance is proposed for the replacement of the overland pipe. The elevated crossing above the Garrapata Creek stream channel will not impact riparian habitat and most other existing vegetation along the pipeline route has been replaced by undesirable and highly invasive cape ivy.

4. New Shed for Electrical Panel and Filters: All work proposed at the well head will be contained in the existing well enclosure, which does not support native vegetation.

Table 1 (attached separately) includes the list of known special status plants and animals documented by the California Department of Fish and Game for the vicinity of the Garrapata Water Company project area. The only significant occurrence noted during the June 9, 2009 biological survey was the presence of seacliff buckwheat, which is the host plant for the federally endangered Smith's blue butterfly. The flight period for the butterfly in the project area occurs later in the summer and no butterflies were observed during the June 9 visit. Impacts to buckwheat plants can be avoided in the project area if the concrete tank pad is sized and situated to protect the plants fringing the existing pad and the underground pipeline route is carefully situated.

A plant list of all species observed throughout the project area is available.

Prepared by:

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Prepared for:

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Garrapata Water Company
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EXHIBIT D
PRELIMINARY GEOTECHNICAL
SOIL EVALUATION

PLN090207 – Garrapata Water Co.
Water System Upgrades

Zoning Administrator
June 12, 2009

GRICE ENGINEERING AND GEOLOGY INC

ENGINEERING, GEOTECHNICS, HYDROLOGY, SOILS,
FOUNDATIONS, AND EARTH STRUCTURES

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June 10, 2009
File No. 5426-09.06

Garrapata Water Company
c/o Donald Layne, Esq.
36652 Highway One, Coastal Route
Carmel, Ca. 93940

Project: Garrapata Water Tank Improvements
Replace 2-13,000 Gallon Tanks with 2-44,000 Tanks

Subject: Preliminary Geotechnical Soil Evaluation
with Recommendations

Dear Mr. Layne:

As per your request, I have reviewed and made a site reconnaissance of the above project, and it is my opinion the site is suitable for the increased water storage, provided the following recommendations are followed.

1. The site now holds 2 - 13,000 gallon plastic water tanks, 13 feet in diameter by 16 feet tall, on a 15 foot by 54 foot concrete slab.

The slab, oral report, is 8 inches thick with bar reinforcing 24 inches on center, each way.

Observation indicates the slab resides on cut ground with possible setback of 2 feet from native soil contact.

No deterioration of the slab was noted.

2. As observed, the native insitu materials are micro fractured granodiorite of the plutonic series in the Salinian Block. These materials are stable and have adequate bearing value for the intended improvements, provided all portions bear on undisturbed insitu materials.

- It is recommended all improvements and tanks bear on undisturbed *insitu* materials. Field measurements indicate approximately 2 feet of cut will be required to provide suitable bearing area.

The quantity developed, 90 cubic yards, will be less than the 100 yard maximum allowed without permit.

Therefore, it is recommended the replacement tank be placed on native materials exposed by removal of approximately 2 feet of material.

- Bearing values are as follows: Geotechnical evaluation indicates that all footings should bear in undisturbed granodiorite. Embedment depths should not include the top 12 inches.

VERTICAL SOIL PRESSURES		
FOOTING TYPE	DEAD LOAD, kips/ft ²	DEAD + LL, kips/ft ²
Continuous Ring	(-4 ft.) 4.0	(-4 ft.) 5.5
LATERAL SOIL PRESSURES		
TYPE	VALUE, lbs/ft ²	
Active Earth Pressure	36 lbs/ft ³ (Equivalent Fluid Pressure)	
Restrained Earth Pressure	54 lbs/ft ³ (Equivalent Fluid Pressure)	
Seismic	2 lbs/ft ³ × H ² applied at 0.6H	
Friction at Base	0.45 × Dead Load	
Passive Earth Pressure	650 lbs/ft ³ × H ² NOTE2	
Uplift Friction	450 lbs/ft ² × H	

Garrapata Water Company
File No. 5426-09.06
June 10, 2009
Page 3

Notes: LL = Live Load; DL = Dead Load; H = Vertical height of material retained.

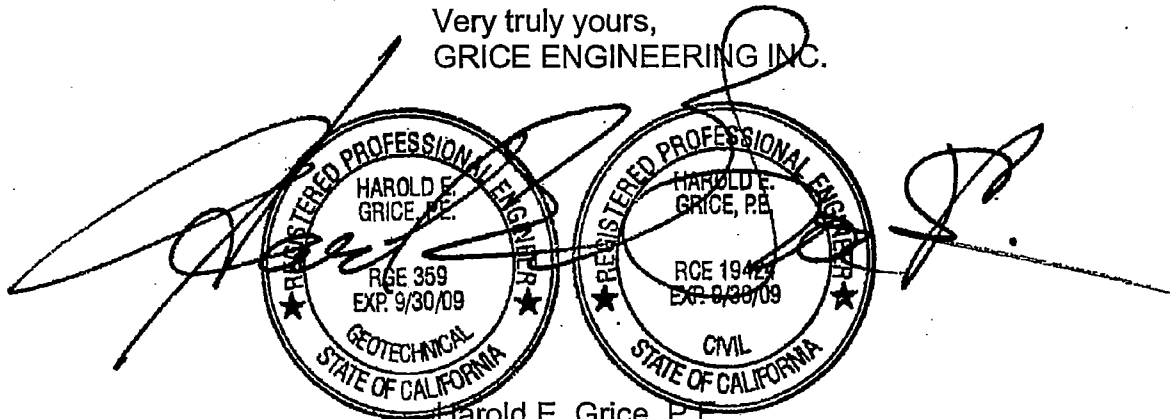
One-third increase to be allowed for wind and seismic forces.

¹ For depths into acceptable native materials or engineered fill.

² Excludes near surface 0.5 feet of *in-situ* soils.

The recommendations herein are made expressly for the above project and may not be utilized for any other structure or site without written permission of GRICE ENGINEERING INC.

Very truly yours,
GRICE ENGINEERING INC.



Harold E. Grice, P.E.
R.C.E. 19424
R.G.E. 359