

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

In the matter of the application of:

HIGHLANDS ANNEXATION (PLN090342)

RESOLUTION NO. 10-032

Resolution by the Monterey County Planning Commission:

- 1) Considering an Addendum (for Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000) to a previously prepared Mitigated Negative Declaration and Mitigation and Monitoring Program adopted by the Planning Commission of the County of Monterey on June 30, 2004;
- 2) Adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program (for Assessor's Parcel Number 241-071-002-000);
- 3) Approving an Amendment to a previously-approved Combined Development Permit (PLN030325) for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. This amendment will add four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff.

[(PLN090342; Keig, O'Boyle, Carmel Highlands FPD, and Tydings; 70 Highway 1, 104 Highway 1, 73 Fern Canyon Road, and 244 Highway 1; Carmel Area Land Use Plan, Coastal Zone; APNs: 241-073-001-000, 241-071-002-000, 241-073-002-000, and 241-182-006-000)]

The Highlands Annexation application (PLN090342) came on for public hearing before the Monterey County Planning Commission on October 27, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,
 - Carmel Area Land Use Plan,
 - Coastal Implementation Plan (Part 4), 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 properties are located at 70 Highway 1, 104 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-073-001-000, 241-071-002-000, 241-073-002-000, and 241-182-006-000), Carmel Area Land Use Plan, Coastal Zone. The parcels are zoned VSC-D (CZ) [Visitor Serving Commercial, with Design Control Overlay (Coastal Zone)]; LDR/1-D (CZ) [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)]; PQP-D (CZ) (Public/Quasi-Public, with Design Control Overlay (Coastal Zone)]; and LDR/1-D (CZ) [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)], which allow the installation of sewer utility connections with the granting of applicable discretionary permits. Therefore, the project is an allowed land use for these sites.
- c) The project planner conducted site inspections on November 3, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Slope: Development on slopes that exceeds 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. See Finding No. 7.
- e) Environmentally Sensitive Habitat Area (ESHA): The addition of three of the four parcels under this Amendment (241-073-001-000, 241-073-002-000, and 241-182-006-000) will not result in potentially significant impacts to ESHA. An Addendum to the Mitigated Negative Declaration for PLN030325 has been prepared for these parcels (see Finding No. 5A). However, potential impacts related to development within 100 feet of environmentally sensitive marine and

riparian habitat were identified for Assessor's Parcel Number 241-071-002-000) and are addressed in the Mitigated Negative Declaration prepared for PLN050708, PLN050591, and this project. The new connecting sewer line from this property to the existing main line located within the Caltrans Highway 1 right-of-way will follow behind the retaining walls proposed under PLN050708. Therefore, the potential impacts of the connecting sewer line will be minimized by incorporating it behind the retaining walls. See Finding No. 8.

- f) Viewshed: The project as designed and conditioned is consistent with the scenic resource policies in the Carmel Area Land Use Plan and the Monterey County Coastal Implementation Plan, Part 4. Upon completion of construction, project elements will be underground and not visible within the Highway 1 scenic corridor.
- g) Archaeological Resources (Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000): County records identify the project sites are within an area of high sensitivity for prehistoric cultural resources. Archaeological surveys prepared for the project concluded that there is no surface evidence of potentially significant archaeological resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3). The area adjacent to the existing sewer main have already been impacted by the construction of Highway 1, and the subject project will place new sewer laterals in existing fill material along the shoulder of and underneath the highway.
- h) Archaeological Resources (Assessor's Parcel Numbers 241-071-002-000): The potential for inadvertent impacts at the fourth site is also limited. Retaining walls proposed under PLN050708 will help to preserve any remaining cultural resources on the property. The proposed sewer lateral will be placed in an area that will be disturbed for construction of the retaining walls, so placement of the sewer lateral will not increase the potential for impacts to cultural resources. However, a portion of a known archaeological resource, CA-MNT-820, is located on a portion of the property. Therefore, a standard mitigation measure will be implemented if any cultural resources are accidentally discovered during construction (Condition No. 14/Mitigation No. 3).
- i) The project was referred to the Carmel Highlands 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 involves development requiring CEQA review. The LUAC, at a public meeting held on October 18, 2010, unanimously voted to support the project as proposed.
- j) PLN030325 was also referred to the Carmel Highlands LUAC for review. The LUAC, at a public meeting held on April 19, 2004, voted unanimously to support the original sewer connection project.
- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA -

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, Carmel Highlands 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 Biological Resources, Archaeological Resources, and Soil/Slope Stability. 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 independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- Preliminary Cultural Resources Reconnaissance (LIB100307) prepared by Archaeological Consulting, Salinas, California, August 25, 1990.
- Project Assessment Letter (LIB100320) prepared by Archaeological Consulting, Salinas, California, April 27, 2010.
- Project Assessment Letter (LIB050807) prepared by Archaeological Consulting, Salinas, California, March 15, 2005.
- Biological Assessment (LIB050808) prepared by Rana Creek Habitat Restoration, Carmel Valley, September 2005.
- Limited Geotechnical Investigation and Focused Geologic Study for Coastal Bluff Retaining Walls (LIB050809) prepared by Haro, Kasunich, and Associates, Inc., Watsonville, California, August 2005.
- Limited Geotechnical Investigation Slope Stabilization Recommendations for 104 Coast Highway 1 (LIB060084) prepared by Reynolds and Associates, Inc., dated September 04, 1998.
- Limited Geotechnical Investigation for Seaward Slippage and Incipient Bank Failure prepared by Haro, Kasunich and Associates, Inc, dated August 1999.
- Supplemental Slope Stability Evaluation to Limited Geotechnical Investigation and Focused Geologic Study, prepared by Haro, Kasunich & Associates, Inc., dated July 20, 2009.
- Archaeological Letter for APN 241-071-002, for retaining walls (LIB050807) prepared by Archaeological Consulting, dated March 15, 2005.
- Archaeological Report for APN 241-071-002, the Currivan Parcel, prepared by Archeological Consulting, dated January 13, 2006.

c) Staff conducted site inspections on November 3, 2009, 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 File No. PLN090342.

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, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available/will be provided. All four parcels are currently served by the Cal Am public water system, and will continue to use the same service connections. Also, all four parcels currently use septic systems and/or holding tanks for wastewater. The result of the project will be to connect the four parcels to the Carmel Area Wastewater District (CAWD). CAWD has reviewed the project and has the available capacity to service these four parcels. In addition, the Environmental Health Bureau has reviewed the project and applied conditions as applicable (Condition Nos. 10 and 11).
 - c) Preceding findings and supporting evidence for PLN090342.

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 the subject properties.
 - b) Staff conducted site inspections on November 3, 2009, and researched County records to assess if any violations exist on the subject properties.
 - c) There are no known violations on the subject parcels.
 - 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 File No. PLN090342.

- 5A. **FINDING: CEQA (Addendum)** - An Addendum to a previously certified Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new

information that would require major revisions to the adopted MND.

- EVIDENCE:** a) The Carmel Area Wastewater District (CAWD), as Lead Agency, oversaw the preparation of a MND (SCH#: 2004041061) for the Highlands Sewer Connection Project (PLN030325). Primary issues identified in the initial study and through staff analysis included aesthetic, biological, archaeological/historical, geology/soils, noise, and traffic. Staff's concerns were addressed in the final version of the MND adopted by the CAWD's Board of Directors on June 17, 2004. Mitigation Measures from the Negative Declaration and conditions including tree protection measures, revegetation, archaeological monitoring, erosion control measures and engineering certification, noticing for the reporting of noise impacts, and measures for minimizing traffic impacts were incorporated into the permit approval. The Monterey County Planning Commission considered the MND at a duly noticed public hearing on June 30, 2004 (Resolution No. 04029, attached as **Exhibit I** to the October 27, 2010 Staff Report. The Initial Study determined that the original project as designed and mitigated had reduced potential impacts to a less than significant level. The current proposal does not alter the analysis or conclusions reached by this Initial Study for the three properties located at 70 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000).
- b) An Addendum for the Highlands Annexation project (PLN090342) was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines) for the properties located at 70 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000), Carmel Area Land Use Plan, Coastal Zone.
- c) The Addendum, attached as **Exhibit G** to the October 27, 2010 Staff Report, reflects the County's independent judgment and analysis. The County has considered the potential impacts to the proposed development sites identified in Evidence b) above, and determined the scope does not alter the conclusions in the MND prepared by the CAWD. The Addendum states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, only minor technical changes (to the project description) have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous Mitigated Negative Declaration was adopted.
- d) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND for PLN030325. The project, at the sites in Evidence b) above, does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive

environment.

- e) Documents reviewed for the Addendum included the MND/IS prepared and adopted for PLN030325, the MND/IS prepared and adopted for PLN090342, and associated technical reports, plans, and applications. Based upon this review, it has been determined that for the three properties listed above, the project will not have the potential to significantly degrade the quality of the environment, will have no significant impact on long-term environmental goals, will have no significant cumulative effect upon the environment, and will not cause substantial adverse effects on human beings, either directly or indirectly. Based on review of the current application, plans, and site visits on November 3, 2009, the current proposal does not alter the analysis or conclusions reached by the previous study. No other potentially significant issues were identified, and no unresolved issues remain.

5B. **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 (for Assessor's Parcel Number 241-071-002-000, located at 104 Highway 1) 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 (PLN050708, PLN050591, and PLN090342).
 - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN050708, PLN050591, and PLN090342).
 - d) The Draft Mitigated Negative Declaration ("MND") for PLN050708, PLN050591, and PLN090342 was prepared in accordance with CEQA and circulated for public review from September 2, 2010, through October 1, 2010 (SCH#: 2010091005). Issues that were analyzed in the Draft MND include aesthetic resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and utilities and service systems.
 - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure

compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant will enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval for PLN050708 and PLN050591. Mitigations related to Air Quality and Geology and Soils only affect these projects and are not included as mitigations for PLN090342. Mitigations included for PLN090342 are related to Aesthetics, Biological and Cultural Resources.

- f) Condition No. 12/Mitigation Measure No. 1 will minimize impacts to visual resources by requiring the applicant to use protective fencing to protect the nearby Monterey cypress trees during all grading, excavation, and construction activities. Condition No. 13/Mitigation Measure No. 2 will avoid potential impacts to buckwheat plants by requiring protection during construction activities, and restoration and eradication of non-native species in the natural habitat area. Condition No. 14/Mitigation Measure No. 3 will minimize potential impacts to archaeological resources by requiring work stoppage if resources are found during grading and construction activities.
- g) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN050708, PLN050591, and PLN090342) and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. 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 habitat for endangered species and marine habitat in close proximity. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a filing fee to the Monterey County Clerk/Recorder for processing said State fee and posting the Notice of Determination (NOD).
- i) No comments from the public were received.
- j) The Monterey County Planning Department, located at 168 W. Alisal, Second 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 20.146.130 of the Monterey County Coastal Implementation Plan (Part 4) can be demonstrated.
 - b) The subject properties are not described as areas where the Local Coastal Program requires public access (Figure 3, Public Access, in the Carmel Area Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over these properties.
 - 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 File No. PLN090342.
 - e) The project planner conducted site inspections on November 3, 2009.

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

- EVIDENCE:**
- a) In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - b) The project includes application for development on slopes exceeding 30%. The subject properties have steep, natural slopes, and there are no alternative alignments which would avoid 30% slope. Much of the sloped areas proposed for development have been previously disturbed by structural development, retaining walls, landscaping, driveways, and Highway 1.
 - c) The project application includes development (trenching) on slopes exceeding 30%. The Carmel Area Land Use Plan Policy 2.7.4.1 and Section 20.146.080.D.1.a of the Coastal Implementation Plan (Part 4) direct that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels, and the scope of the project, does not allow development to avoid slope over 30%. Staff has reviewed the project plans and visited the sites to analyze possible development alternatives. Based on the site topography, there is no feasible alternative which would allow development to occur on slopes of less than 30%. The proposed placement of the new development avoids slopes in excess of 30% as much as possible, adheres to the site development standards, and blends with the surrounding topography and environment.
 - 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 File PLN090342.
 - e) The project planner conducted site inspections on November 3, 2009.
 - f) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable

area plan and zoning codes.

8. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas 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 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Area Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.

b) LUP Policy 2.3.2.2 directs that land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource, and LUP Policy 2.3.2.7 directs that development within environmentally sensitive areas shall restrict the removal of indigenous vegetation and land disturbance. The proposed sewer lateral will be placed in an area that will be disturbed for construction of retaining walls, so placement of the sewer lateral will limit or restrict land disturbance and not increase the potential for impacts to biological resources. In addition, the project will replace the septic system for an existing single-family residence and does not adversely affect long-term maintenance of the environmentally sensitive resource. The proposed sewer lateral connection to the existing wastewater infrastructure line along the Highway 1 right-of-way will create a beneficial result for the adjacent riparian and marine habitats by reducing the potential for effluent discharge into the habitats from the existing septic system. The project as designed, conditioned, and mitigated is consistent with ESHA policies of the Carmel Area Local Coastal Program.

c) The project site contains habitat for Smith's blue butterfly, a federally endangered species, as such, its habitat, coast buckwheat and dune buckwheat, are afforded protection. A Biological Assessment was prepared by Rana Creek Habitat Restoration (September 2005) for the retaining wall portion of the project. The report found that although the project site contains five buckwheat plants, they are located outside of the project impact areas. The areas planned for retaining wall installation, and erosion control, totals approximately 16,000 sq. ft. on the project site. The report concluded there was no rare plant and/or animal species afforded protection within the areas to be developed. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. Adverse impacts to Smith's blue butterfly will be reduced to a less than significant level with the implementation of Condition No. 13/Mitigation Measure No. 2.

d) The project planner conducted site inspections on November 3, 2009, to verify ESHA locations and potential project impacts to ESHA.

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 File PLN090342.

9. **FINDING:** **AMENDMENT** – Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.70.105.B (Title 20).
- EVIDENCE:**
- a) On June 30, 2004, the Monterey County Planning Commission approved a Combined Development Permit (CDP) for PLN030325/Carmel Area Wastewater District (CAWD) for the Highlands Inn Sewer Connection Project.
 - b) On April 19, 2010, the applicants submitted a request for an application to amend the previously-approved CDP (PLN030325/CAWD), to construct new wastewater (sewer) lateral connections to the existing wastewater infrastructure line along the Highway 1 right-of-way constructed under PLN030325.
 - c) Although the amendment does not create any additional significant impacts not already assessed in the original permit, the changes were not considered minor due to the addition of four new locations and the profile of the project as a whole.
 - d) As approved and amended, permit number PLN090342 will become and be referred to as the approved permit. New Conditions of Approval and Mitigation Measures are incorporated in Exhibit 1. CAWD has certified completion of all previous conditions of approval under PLN030325, and there is no continuing requirement for these to be brought forward for the Amendment (PLN090342).
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project File Nos. PLN030325 and PLN090342.
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: Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance; development within 300 feet of the top of the seaward face of any coastal bluff; and development involving a conditional use.

DECISION

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

- A. Consider an Addendum, for Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000, to a previously prepared Mitigated Negative Declaration and Mitigation and Monitoring Program adopted by the Planning Commission of the County of Monterey on June 30, 2004;
- B. Adopt the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for Assessor's Parcel Number 241-071-002-000;
- C. Approve an Amendment to a previously-approved Combined Development Permit (PLN030325) for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. This amendment will add four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff, in general conformance with the attached sketches and subject to the conditions, both being attached hereto and incorporated herein by reference.

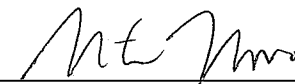
PASSED AND ADOPTED this 27th day of October, 2010, upon motion of Commissioner Diehl, seconded by Commissioner Salazar, by the following vote:

AYES: Getzelman, Rochester, Padilla, Salazar, Sanchez, Diehl, Vandever, Brown, Ottone

NOES: None.

ABSENT: Roberts

ABSTAIN: None.



MIKE NOVO, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON OCT 29 2010.

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 NOV 08 2010.

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

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

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

2. This permit expires 5 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION No. 10-032
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: **HIGHLANDS ANNEXATION**

File No: **PLN090342**

APNs: **241-073-001-000, 241-071-002-000,**
241-073-002-000, and 241-182-006-000

Approved by: **Planning Commission**

Date: **October 27, 2010**

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY Amendment (PLN090342) to a previously-approved Combined Development Permit (PLN030325) for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. This amendment allows the addition of four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff. The properties are located along or near the Caltrans Highway 1 right-of-way at 70 Highway 1, 104 Highway	Adhere to conditions and uses specified in the permit. 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. 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.	Owner / Applicant RMA - Planning WRA RMA - Planning	Ongoing unless otherwise stated.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL (NON-STANDARD) Each property owner shall record a notice which states: "A permit (Resolution 10-032) was approved by the Planning Commission for Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000 on October 27, 2010. The permit was granted subject to fourteen (14) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. Each property owner shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner / Applicant RMA-Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT (NON-STANDARD: APPLICABLE TO APNs 241-073-001-000, 241-073-002-000, and 241-182-006-000) If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and	Owner / Applicant / Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	to develop proper mitigation measures required for the discovery.			
4.		PD004 - INDEMNIFICATION AGREEMENT (NON-STANDARD) Each 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	Submit 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.	Owner / Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, or use of the property, whichever occurs first and as applicable.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)				
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR (NON-STANDARD: APPLICABLE TO APN 241-071-002-000) Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , 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 <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner / Applicant	Within 5 working days of project approval.	
6.		PD006 - MITIGATION MONITORING PROGRAM (NON-STANDARD: APPLICABLE TO APN 241-071-002-000) The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner / Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.		PD011 – TREE AND ROOT PROTECTION (NON-STANDARD) Each property owner shall ensure that trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner / Applicant	Prior to the issuance of grading and/or building permits.	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner / Applicant / Arborist	During construction.	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner / Applicant	Prior to final inspection.	
8.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 5 years, to expire on October 27, 2015, unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	Each property owner shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner / Applicant	As stated in the conditions of approval.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA – Public Works Department						
9.		PWSP001 – ENCROACHMENT (NON-STANDARD) Obtain an encroachment permit from the Department of Public Works for any work done within the County right-of-way. (RMA - Public Works Department)	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner / Applicant	Prior to issuance of grading and/or building permits.	
Health Department Environmental Health Bureau						
10.		EHSP001 – ABANDON EXISTING SEPTIC SYSTEM (NON-STANDARD: APPLICABLE TO APN 241-073-001-000) The applicant shall abandon the existing septic system on the property at 70 Highway 1, Carmel Highlands (Assessor's Parcel Number 241-073-001-000), Carmel Area Land Use Plan, at the time the new connection to the Carmel Area Wastewater District is installed. The applicant shall obtain a septic demolition permit from EHB, and perform the work in accordance with the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	The applicant shall obtain a septic demolition permit from EHB. The applicant shall complete the work in accordance with the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB.	CA Licensed Engineer / Owner / Applicant	Prior to issuance of grading and/or building permits. Prior to Building Services final inspection.	
11.		EHSP002 - ENGINEERED PLANS (NON-STANDARD: APPLICABLE TO APN 241-073-001-000; 241-071-002-000; 241-073-002-000, and 241-182-006-000) Each property owner shall submit engineered plans for the modification to the existing septic tanks on the	Each applicant shall submit plans to EHB for review and approval.	CA Licensed Engineer / Owner / Applicant	Prior to issuance of grading and/or building permits.	

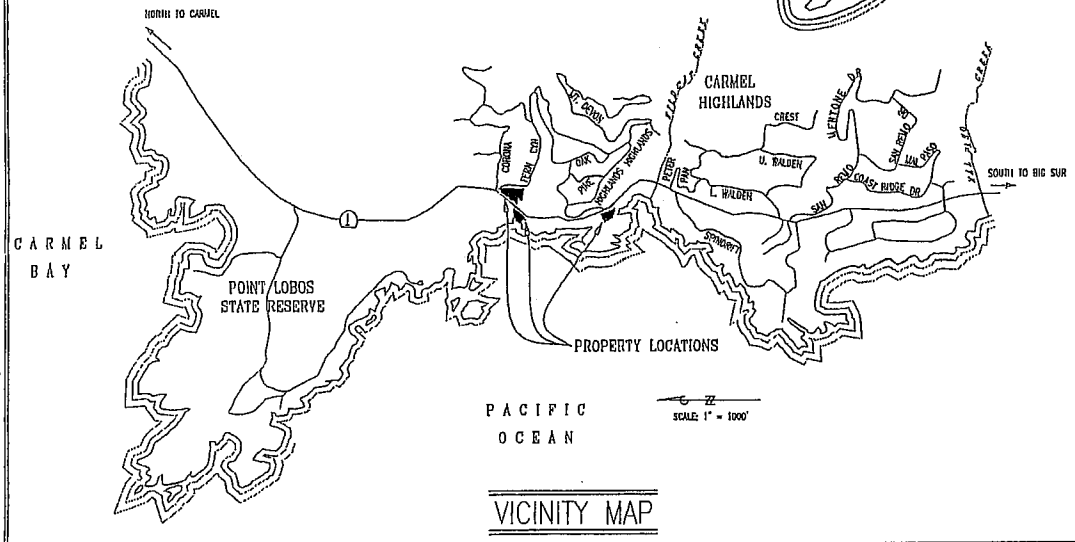
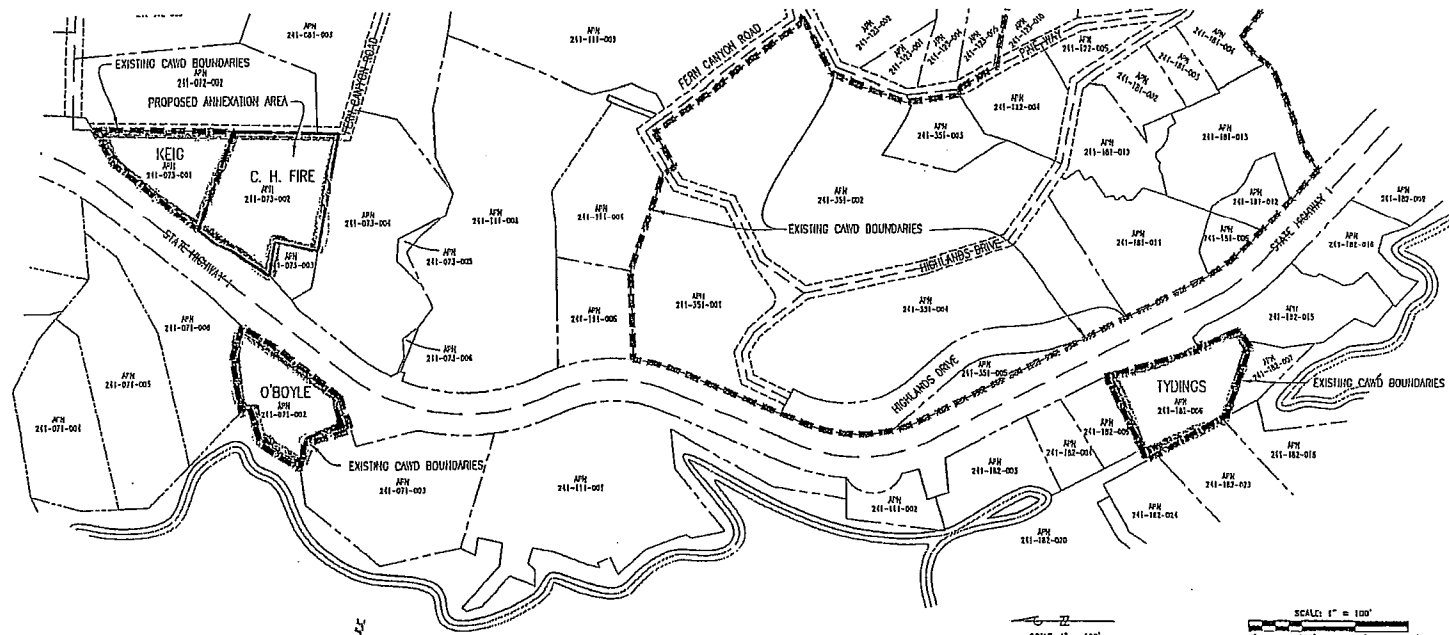
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		properties located at 70 Highway 1 (Assessor's Parcel Number 241-073-001-000), 104 Highway 1 (Assessor's Parcel Number 241-071-002-000), 73 Fern Canyon Road (Assessor's Parcel Number 241-073-002-000), and 244 Highway 1 (Assessor's Parcel Number 241-182-006-000), Carmel Highlands, Carmel Area Land Use Plan, to the Director of Environmental Health for review and approval. Plans must meet the regulations found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)				
Mitigation Measures						
12.	1.	MITIGATION MEASURE 2 OF SCH2010091005 – AESTHETIC RESOURCES / PROTECTION OF MONTEREY CYPRESS (APPLICABLE TO APN 241-071-002-000) In order to minimize impacts to visual resources, the applicant shall arrange for all mature cypress trees located within the proposed development to be adequately protected from grading and construction activities. Eight Monterey Cypress trees (ranging from 8" to 36" in diameter) have been identified; although only one 8" Cypress is requested for removal. Therefore, any excavation, grading, digging, or any other soil removal located within the tree's critical root zone (CRZ) shall be monitored by a qualified arborist or forester and best management practices for tree protection measures shall be implemented. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester/arborist immediately prior to commencement of excavation operations. In addition, grading and construction vehicle and equipment staging	Prior to issuance of grading and/or building permits, the owner/applicant shall include a note on the site plan encompassing all language within Mitigation Measure No. 2. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.	Owner / Applicant	Prior to issuance of grading and/or building permit.	
			Foundation excavation (including grading, digging, or any soil removal) for the proposed retaining walls, located approximately 1-foot of any mature Cypress tree and within the trees' critical root zone (CRZ), shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other	Owner / Applicant	Prior to foundation inspection for PLN 050708, or after installation of sewer lateral.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		shall be sited in order to minimize their visibility from the public viewshed.	approved root pruning equipment. Any roots damaged during excavation shall be exposed to sound tissue and cut cleanly with a saw. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2b has occurred.			
			Excavation (including grading, digging, or any soil removal) for the proposed retaining walls within the critical root zone (CRZ) shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2c has occurred.	Owner / Applicant	Prior to foundation inspection for PLN 050708, or after installation of sewer lateral.	
13.	2.	MITIGATION MEASURE 3 OF SCH2010091005 – BIOLOGICAL RESOURCES / PROTECTION OF BUCKWHEAT PLANTS (APPLICABLE TO APN 241-071-002-000) In order to ensure that the habitat of Smith's blue	Prior to the issuance of a grading or building permit, a restoration plan shall be submitted to the Director of Planning and Building Inspection for review and approval. The restoration	Owner / Applicant	Prior to issuance of grading and/or building	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		butterfly buckwheat plants will be protected during project construction and project development, the applicant shall prepare a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly. (RMA - Planning Department)	plan shall avoid buckwheat plants (Euphilotes enoptes Smithi) when implementing landscaping on the project site.		permits.	
14.	3.	<p>MITIGATION MEASURE 4 OF SCH2010091005 – CULTURAL RESOURCES / POSITIVE ARCHAEOLOGICAL REPORT (APPLICABLE TO APN 241-071-002-000)</p> <p>If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</p> <p>If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of 	The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.	Owner / Applicant per archaeologist or anthropologist	Prior to the issuance of grading or building permits or approval of Sub. Improvement Plans, whichever occurs first.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or</p> <ul style="list-style-type: none"> - Where the following conditions occur, the landowner or his authorized representatives shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: <ol style="list-style-type: none"> 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. 2. The descendent identified fails to make a recommendation; or 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. <p>(RMA - Planning Department)</p>				

END OF CONDITIONS



ANNEXATION MAP

GENERAL NOTES

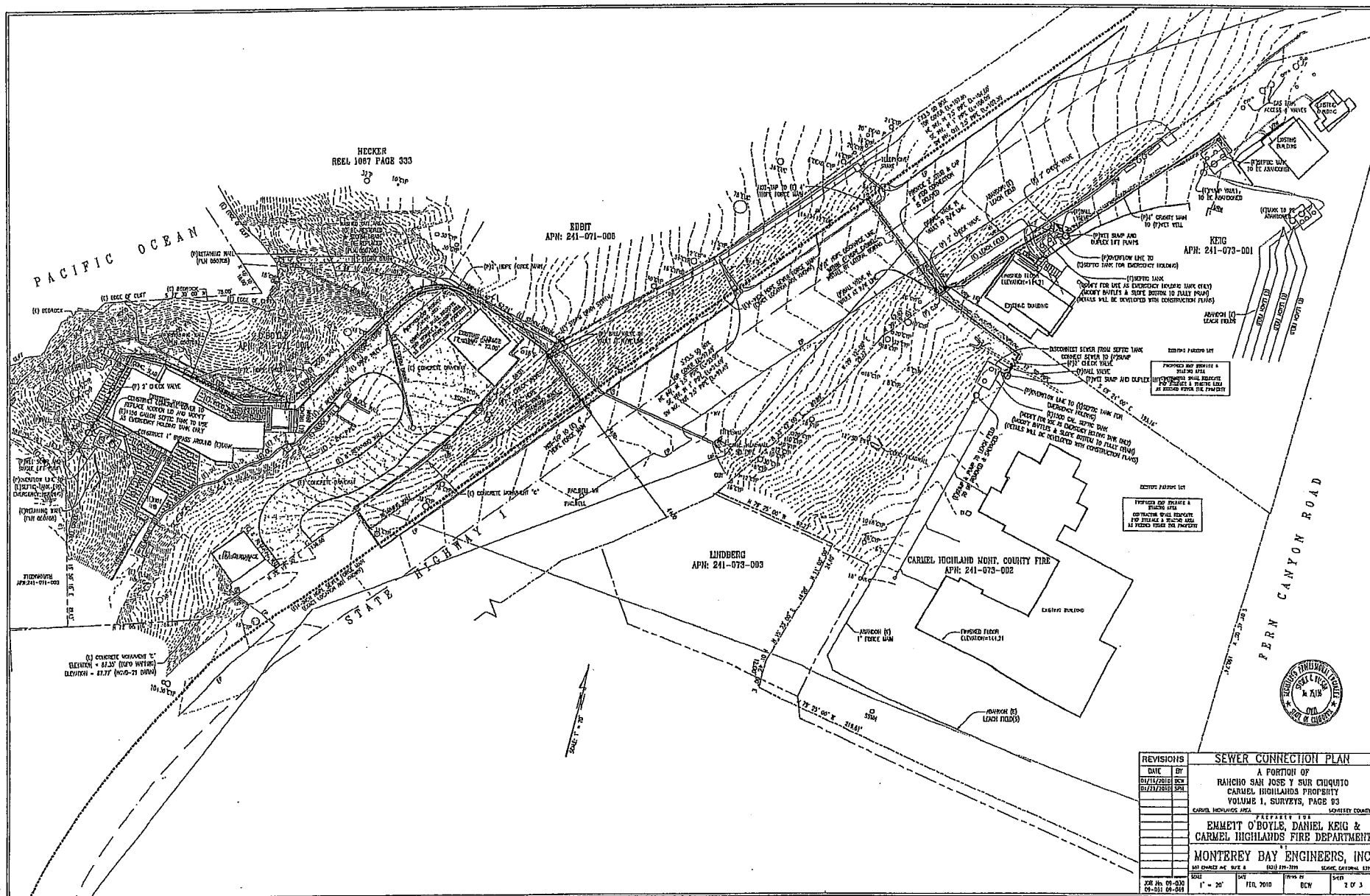
1. THIS PLAN SHOWS THE CONCEPTUAL DESIGN FOR THE ANNEXATION OF EXISTING TRACTS LEAD FIELDS.
2. ANNEXATION TO THE CARMEL AREA WASTEWATER DISTRICT FROM THE STONKS, O'BOYLE AND KEIG PROPERTIES HAS BEEN ESTABLISHED APPROVED BY THE LOCAL ACTING FORMATION COMMISSION (LAF) ON JANUARY 26, 2009, RESOLUTION NO. 07-04.
3. AN ANNEXATION APPLICATION TO THE CARMEL AREA WASTEWATER DISTRICT IS BEING FOR THE CARMEL HIGHLANDS FIRE DISTRICT PROPERTY.

GENERAL SURVEY DATA NOTES

ALL DEPARTMENTS SHOWN UPON THIS MAP ARE BASED UPON
BEST MAP FILED BY VOLUME 3, SURVEY FILE 134
OR FROM RECORD DEED DESCRIPTIONS



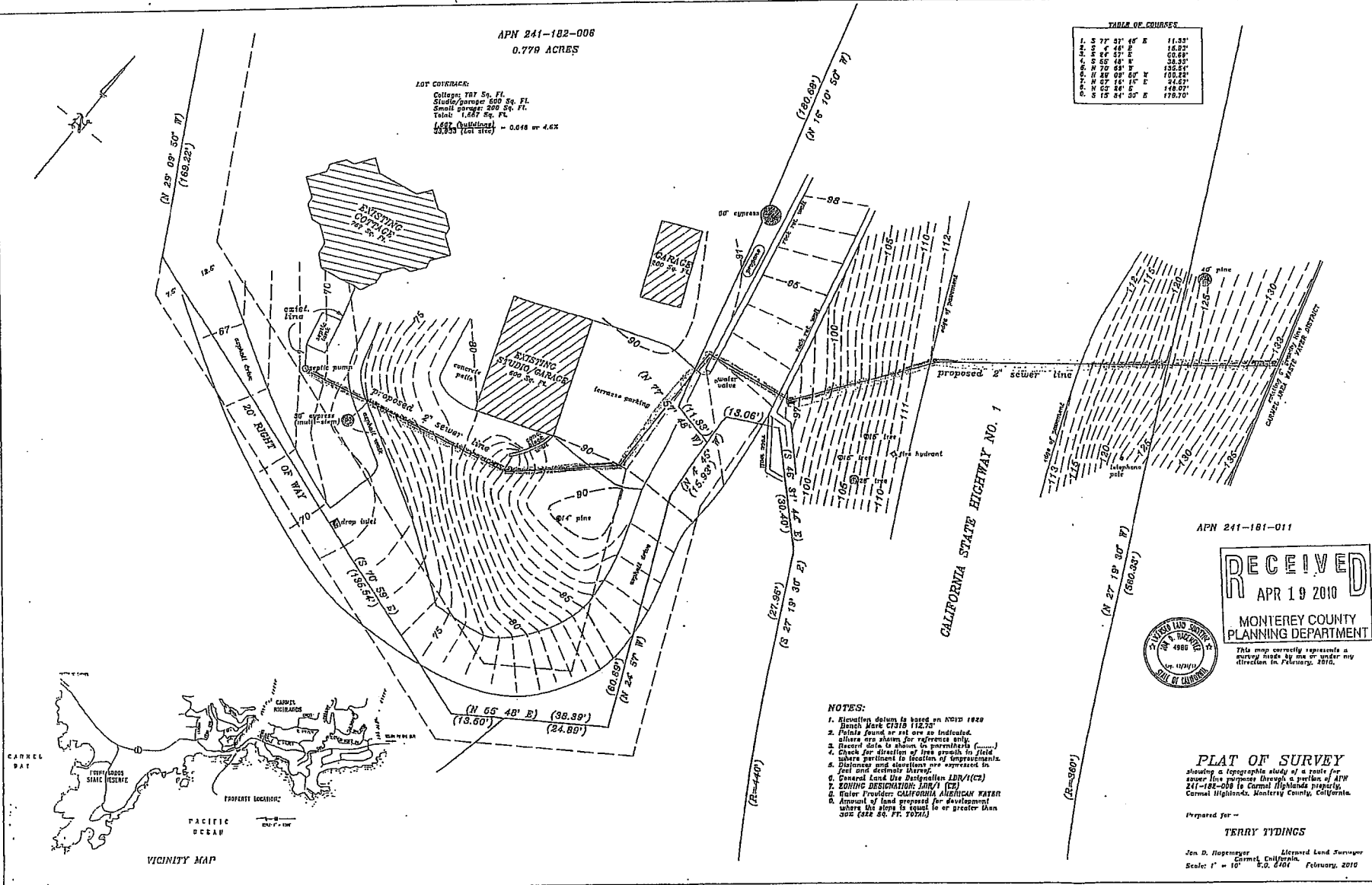
REVISIONS		KEY MAP OF ANNEXATIONS	
DATE	BY	DATE	BY
OCT 01, 2008	SWR	2008 HIGHLANDS ANNEXATION	
		TO THE CARMEL AREA WASTEWATER DISTRICT	
		AMENDMENT TO COUNTY PLAN 03 0325	
		A PORTION OF BAYVIEW 349 JOSE Y DIA CROWN	
		CARMEL HIGHLANDS PROPERTY - VOLUME 1 SURVEY FILE 81	
		CARMEL HIGHLANDS AREA - VOLUME 1 SURVEY FILE 81	
		MONTEREY BAY ENGINEERS, INC.	
		DATE: 10/01/2008	FILED: 10/01/2008
		SCALE: 1" = 20'	BOOK: 1 OF 1



APN 241-182-008
0.779 ACRES

LOT COVERAGE:
College: 747 Sq. Ft.
Studio/park: 500 Sq. Ft.
Small garage: 200 Sq. Ft.
Total: 1,447 Sq. Ft.
(EST. Buildings) = 0.618 or 4.6%
33,953 (lot size)

TABLE OF COURSES		
1.	3 77' 37" E	11.33'
2.	2 46' 37" E	15.52'
3.	4 55' 46" E	32.55'
4.	5 70' 09" E	135.54'
5.	6 44' 49' 09" 60" W	100.22'
6.	7 57' 18' 17" W	34.52'
7.	8 52' 38' E	148.07'
8.	5 15' 54' 35" E	179.70'



APN 241-181-011

RECEIVED
APR 19 2010
MONTEREY COUNTY
PLANNING DEPARTMENT



This map correctly represents a survey made by me or under my direction in February, 2010.

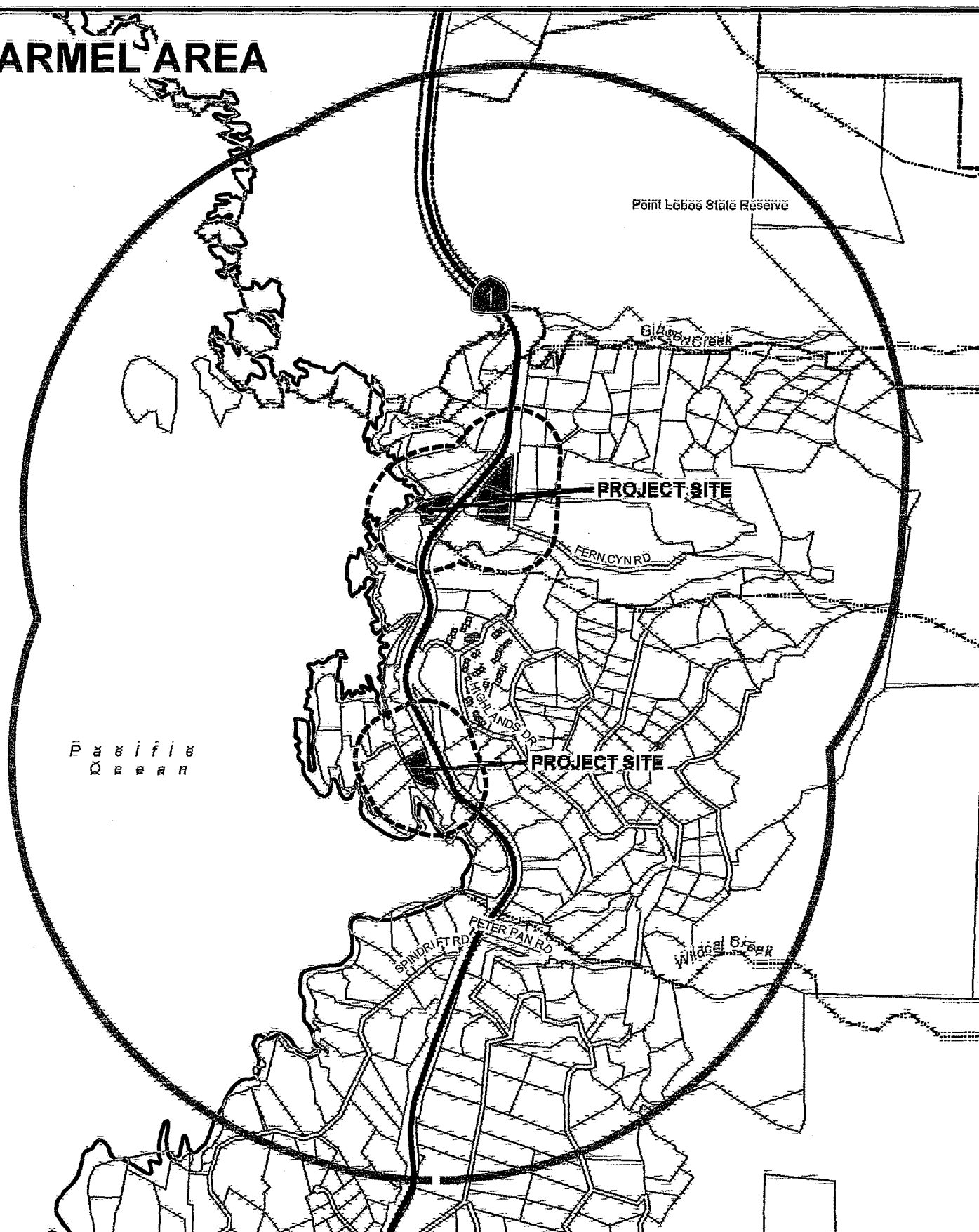
PLAT OF SURVEY
showing a topographic study of a route for sewer line purposes through a portion of APN 241-182-008 in Carmel Highlands property, Carmel Highlands, Monterey County, California.

Prepared for -
TERRY TIDINGS

Jon D. Hogenmeyer, Licensed Land Surveyor
Carmel, California
Scale: 1" = 10' R.O. 6/01 February, 2010

- NOTES:**
1. Elevation datum is based on NAVD 83.
 2. Bench mark 112.70'.
 3. Points found or not are so indicated.
 4. All lines shown for reference only.
 5. Record data is shown in parentheses (.....).
 6. Check for direction of line growth in field.
 7. Where pertinent to location of improvements.
 8. Distances and elevations are corrected for foot and decimal survey.
 9. General Land Use Designation: LRP/ICZ.
 10. Zoning Designation: JRM/1 (CZ).
 11. Water Provider: CALIFORNIA AMERICAN WATER.
 12. Amount of land proposed for development where the slope is equal to or greater than 2% (see 24 sq. ft. total).

CARMEL AREA



APPLICANT: O'BOYLE (HIGHLANDS INN SEWER ANNEXATION)

APN: 241-071-002, 241-073-001, 002, 241-182-006 FILE # PLN090342

2500' Limit 300' Limit City Limits Water

