

**Before the Minor Subdivision Committee in and for the  
County of Monterey, State of California**

In the matter of the application of:

**JOHN B EICHOLZ AND ROSE ANN T MAZZONE (PLN060382)**

**RESOLUTION NO. 11-002**

Resolution by the Monterey County Minor Subdivision Committee:

- 1) Adopting the Mitigated Negative Declaration;
- 2) Approving the Minor Subdivision (PLN060382) to allow the division of a 121.86 acre parcel into three parcels of 41.86 acres (Parcel A), 40 acres (Parcel B), and 40 acres (Parcel C), respectively; and
- 3) Adopting a Mitigation, Monitoring, and Reporting Program.

[PLN060382, John Eicholz, 52195 Smith Road, Bradley, South County Planning Area (APN: 424-331-013-000)]

**The Minor Subdivision application (PLN060382) came on for public hearing before the Monterey County Minor Subdivision Committee on February 24, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee 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 2010 Monterey County General Plan;
- South County Area Plan;
- South County Area Plan, Inventory and Analysis;
- Monterey County Zoning Ordinance (Title 21); and
- Monterey County Subdivision Ordinance (Title 19)

Communications were received during the course of review of the project concerned with inconsistencies with the text, policies, and regulations in these documents. Staff has analyzed the project and a response to the comments can be found in subsequent Evidence “d.”

- b) The property is located at 52195 Smith Road, Bradley (Assessor’s Parcel Number 424-331-013-000), South County Planning area. The parcel is zoned Rural Grazing, 40 acres per unit or (RG/40), which allows for the creation of new lots provided the maximum gross development density shall not exceed the acres/unit as shown on the specific RG district as shown on the zoning map. The applicant proposes to subdivide one 121.86 acre lot and create three new lots, all of which are greater or equal to 40 acres. Therefore, the project is an allowed land use for this site. Also see Subdivision Finding No. 6 for further subdivision

- consistency analysis.
- c) The project planner conducted a site inspection on June 15, 2007 and in 2009 during the preparation of the initial study to verify that the project on the subject parcel conforms to the plans listed above.
  - d) During the circulation period for the Initial Study, two comments from neighboring property owners were received. Although the issues raised were not on the content of the environmental document, they did question the consistency of the subdivision with the County's requirements. The first comment was received by Don McKenzie, an adjacent neighbor whose property abuts the southeastern property lines of the subject property. Mr. McKenzie states that he "objects to this proposed subdivision if all County Codes are not enforced as many of us in this area have had to such as 1) any roads over 8% grade are to be asphalted/concrete; 2) all roads to be built must be 10 feet from existing fence lines; 3) all entrances have asphalt aprons; (and) 4) where is the power source for the 3 parcels going to be delivered from. I would just like Monterey County to be fair and consist(ant) in these new rules." The second comment was received by Jean Lewey, the neighbor whose property abuts the southwestern property lines of the subject property. Mrs. Lewey expressed concerns with the proposed right-of-way adjacent to her property and if it will contain culverts that will drain onto her property. The CDF South County Fire Protection District has reviewed the project and placed conditions requiring access roads to meet the fire districts requirements. All County requirements for a minor subdivision in the South County area have been incorporated within the project as design or conditioned. Power to the site could be provided through Pacific Gas and Electric or through a solar power source. As construction is not part of the project, neither option is definite.
  - e) The project was referred to the South County Land Use Advisory Committee (LUAC) for review on June 20, 2007. 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 the project is not exempt from CEQA. Public comment consisted of: viewshed concerns, road paving requirements, and runoff and drainage. Although as a result of the subdivision, there will be a potential for nine single family dwellings (up to three per lot, accessory to an agricultural use of the property for owner, operator, or employed onsite); the concerns of the public cannot be addressed at this time because construction of single family dwellings is not proposed. However, during review and prior to issuance of building permits, the applicant will be required to submit supporting evidence that access roads, buildings, runoff, and drainage meet the requirements of the County Agencies and the CDF South County Fire Protection District.
  - f) The subject property is a legal lot of record, which was created through a minor subdivision in 1973 (Monterey County Planning File No. MS 73-386). During the survey for the Parcel Map, the southeastern

property line was depicted along the aliquot part<sup>1</sup> of Section 30. However, the landowners assumed that a long standing fence should have been the “true” property line, which was located 127.5 feet south of the surveyed line for the minor subdivision. Therefore, in 1981, the portion between the southeastern property line and the fence was quitclaimed over to the owner of the subject property and a Record of Survey Map was subsequently filed on March 1982 (Volume 13, Surveys page 30). The Monterey County Subdivision Ordinance No. 1713 (dated 1970) was in place during the time of the quitclaim. Section 2.20.C of the ordinance states that “ ‘subdivision’ shall not include the division of property for the sole purpose of adjusting the property lines between contiguous parcels when no new building site is thereby created and where no building site is being substandard.” Based on information from the County’s Historical Zoning Map (1978) the property was zoned as “Rural with a 10 acre minimum building site” (N-10) and both properties were still in conformance with the site development standards of the district resulting from the adjustment of the boundary lines. Therefore, the County recognizes that the lot configuration in the Record of Survey Map filed in 1982 is the legal lot of record.

- g) The project was reviewed and found to be consistent with the 2010 Monterey County General Plan, specifically Policy No. LU-1.19. Although the proposed subdivision is not located within a Community Area, Rural Center, or Affordable Housing Overlay district, and is not considered as top priority for development in the unincorporated areas of the County, it does not meet the criteria to be evaluated through the Development Evaluation System. Furthermore, the only agricultural restriction (see Section AG-1.3 of the 2010 General Plan) restricts subdivisions of “Important Farmland” for exclusive agricultural purposes. Based on the Monterey County Geographic Information System, the subject property is not considered to be Important Farmland.
- h) Section 19.10.095 (Underground Utilities) of the Subdivision Ordinance requires that all utility distribution facilities installed in and for the purpose of supplying service to any minor subdivision, be placed underground. However, the decision making body may waive this requirement if topographical, soils, or other physical conditions make underground installations of said facilities unreasonable or impractical. The applicant contends that approximately 3,900 lineal feet of trenching would be required to install underground utilities, causing an impractical situation with regards to finance and creates an additional potential impact to biological and cultural resources that could be avoided. Therefore, the applicant requests that the minor subdivision waive the underground utility requirement and allow an overhead system. The Public Works Department has been made aware of the applicant’s request and no comments or concerns were identified.
- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning

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<sup>1</sup> The aliquot part is the standard subdivision of a section, such as a half section, quarter section, or quarter-quarter section.

Department for the proposed development found in Project File PLN060382.

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, CDF South County Fire Protection District, Parks, Public Works, 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) Based on the South County Area Plan Inventory and Analysis, staff identified potential impacts to biological resources, archaeological resources, and soils. Pursuant to the requirements of the Monterey County Zoning Ordinance (Title 21), technical reports by outside consultants were required for submittal. These reports concluded 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:

- *“Spring Survey of Biological Resources Including Kit Fox Study” (LIB070223) prepared by Ed Mercurio, Salinas, CA, October 5, 2006 and April 3, 2007).*
- *“Archaeological Evaluation” (LIB070226) prepared by Archaeological Resource Management, Dr. Robert Cartier, Principal Investigator, San Jose, CA, May 3, 2007)*
- *“Percolation Data Report” (LIB070225) prepared by Mid-Coast Geotechnical, Inc., Paso Robles, CA, September 29, 2006)*
- *“Geotechnical Engineering Report” (LIB070224) prepared by Mid-Coast Geotechnical, Inc., Paso Robles, CA, September 29, 2006)*

c) Staff conducted a site inspection on June 15, 2007 and in 2009 during the preparation of the initial study 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 PLN060382.

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 CDF South County Fire Protection District, Public Works; Parks 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 and private facilities will be provided. A percolation report (see Finding 2, Evidence b) submitted by the applicant states that based on the performance test rates, the proposed parcels are adequate for effluent disposal by the leach line method. Each of the proposed parcels contains a separate well and the Environmental Health Bureau did not identify any issues concerning the water quality and/or quantity from these wells.
- c) Finding Nos. 1, 2, 4, and 5 and supporting evidence for PLN060382.

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 property.
  - b) Staff conducted a site inspection on June 15, 2007 and in 2009 during the preparation of the initial study 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 File PLN060382.

5. **FINDING:** **CEQA (Mitigated Neg Dec)** - On the basis of the whole record before the Monterey County Minor Subdivision Committee, 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 the CEQA Guidelines. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN060382).
  - 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 (PLN060382).
  - d) Issues that were analyzed in the Mitigated Negative Declaration include biological and cultural resources.
  - e) Biological Resources, Abbott's bush-mallow - The Abbott's bush-

mallow, listed on the California Native Plant Society's List 1B, was found within the resulting "Parcel A". All plants within List 1B meet the definitions of Section 1901, Chapter 10 (*Native Plant Protection Act*) or Sections 2062 and 2067 (*California Endangered Species Act*) of the *California Department of Fish and Game Code*, and are eligible for state listing. Therefore, it is mandatory that they be fully considered during preparation of environmental documents relating to CEQA. The Bryson Quadrangle, where the subject parcel is located, is one of the three Quadrangles the plant is known to occur. Although the proposed project does not include the construction of structures, mitigation measures are required to reduce the project's impact to less than significant since the plant has few occurrences, is located within a small area, and has been threatened by housing development, grazing, energy development, and road construction. Mitigation measures require submittal of a floristic inventory and rare plant survey of the area of development, completed by a qualified biologist/botanist during the appropriate seasons to determine the presence or absence of Abbott's bush-mallow prior to initiation of any future construction activities.

- f) Biological Resources, San Joaquin Kit Fox (SJKF) and SJKF Habitat – The SJKF is state listed as threatened and federally-listed as endangered due to habitat loss caused by development. Recorded sightings of the SJKF in the greater local area have occurred and the subject property is located near the zone of known occurrences (within a 10-mile radius) as identified by the *California Natural Diversity Data Base* records. While no SJKF was observed on the property, the biologist detected five possible SJKF burrows during the first survey and again during the spring survey. The burrows showed no signs of recent disturbance nor were tracks detected and the biologist stated that it is probable that the observed burrows were from badgers diggings. Although the proposed project does not include construction and no SJKF were observed on the property, due to the close proximity of known occurrences and the on-site grassland and oak woodland habitats which could serve as marginal habitat for this species, a mitigation measure has been incorporated to reduce any potential impact to less than significant. The mitigation measure requires that prior to the issuance of grading or building permits, a Kit Fox survey shall be submitted for review and approval by the RMA-Director of Planning.
- g) Cultural Resources – An archaeological survey was performed for the subject property in November 2006. Surface evidence of prehistoric cultural resources were identified on a portion of the property, which include a scatter of lithic materials, bone fragments, marine shell, and fire-altered stone. Subsequently, an archaeological resource management test was performed, excavating in and around the area where surface evidence was found. Additional cultural materials were found, similar to those found within the surface scatter. Although the proposed project does not include grading and/or construction activities, there is a potential for the construction of up to three single family dwellings, additional accessory structures, septic and leachline systems, and access roads. Therefore, in order for the project to have a less-than-significant impact on cultural resources, a mitigation measure is

- required. The mitigation measure requires that the applicant conduct an additional, more focused survey of the area proposed for development prior to initiating any construction activities.
- h) 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 must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
  - i) The Draft Mitigated Negative Declaration ("MND") for PLN060382 was prepared in accordance with CEQA and circulated for public review from September 24, 2010 through October 25, 2010 (SCH# 2010091070). Issues that were analyzed in the Draft Mitigated Negative Declaration ("MND") include: biological resources, cultural resources, greenhouse gas emissions, population and housing, and public services.
  - j) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2), 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 (PLN060382) and are hereby incorporated herein by reference.
  - k) 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 Abbott's bush-mallow (*Malacothamnus abbotii*), a plant on the California Native Plant Society's List 1B and has the potential to support the San Joaquin Kit Fox, a federally listed endangered species. 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. Although no comments were received and no additional conditions were recommended, a letter of exemption from the Department of Fish and Game for the proposed project was not received. 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).
  - l) Two letters were received during the public review period from neighboring property owners. The comments pointed out issues the neighbors had with the subdivision in general and did not include specific issues with the environmental document. Therefore, the County has considered the comments and determined that they do not alter the conclusions in the Initial Study and Mitigated Negative

Declaration. Although the comments were not on the environmental document, they do question the subdivision's consistency with County requirements. Therefore, a response can be found within Finding No. 1, Evidence d and Finding No. 6.

- m) The Monterey County RMA-Planning Department, located at 168 W. Alisal Street, 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:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:

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

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan, South County Area Plan. (*Finding 1 and supporting evidence*)
  - b) Design. The lot design is consistent with the Lot Design Standards of Section 19.10.030 of the Monterey County Code (MCC).
  - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (*Finding 2 and supporting evidence*).
  - d) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. (*Finding 3 and following evidence*)
  - e) Easements. The subdivision or the type of improvements will not conflict with easements. There are two existing easements on the subject property, one easement for Public Utility and incidental purposes for the Pacific Telephone and Telegraph (Pacific Bell) company and one easement for Public Utility and incidental purposes for Pacific Gas and Electric Company, a California corporation. The proposed parcel map includes a 30-foot wide road and utility easement. The project is also conditioned by the Public Works department to provide for all existing



- and required easement of rights of way.
- f) Water Supply. MCC Section 19.10.070 requires that provisions shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare, that the source of supply is adequate and potable, and that there is proof of a long term water supply with the proposed project. MCC Sections 19.03.015.L and 19.07.020.K requires Water Supply and Nitrate Loading Information in order to assess these conditions. The Environmental Health Bureau has reviewed the proposed subdivision for proof of long term water supply. There are three wells on the property and the subdivision will result with one well on each parcel. A Well Completion Report for each well was submitted by the applicant and the Environmental Health Bureau found no issues with water supply.
  - g) Sewage Disposal. (MCC Sections 19.03.015.K and 19.07.020.J). The Environmental Health Bureau has reviewed the proposed project for compliance with MCC Section 15.20 (Septic Ordinance). A Percolation Data Report was submitted by the applicant as supporting evidence that the subsurface soils on the property are suitable for sewage effluent disposal by the leach line method. The Environmental Health Bureau has conditioned the project requiring deed notifications on the newly created parcel stating that all development be in compliance with the Percolation Report.
  - h) Traffic. The subject property is located in a rural area of the County. The Public Works Department has reviewed the project and has not required submittal of a traffic report, nor have they given any indication that the existing roads and circulation can not support traffic caused by the newly created parcels.
  - i) Affordable Housing. Pursuant to MCC Section 18.40.060, the applicant is not required to provide Inclusionary housing because the proposed project includes the creation of less than three new lots.
  - j) Parks and Recreation. The Parks Department has reviewed and conditioned the project requiring the applicant to comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D)
  - k) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060382.
  - l) The project planner conducted a site inspection on June 15, 2007 and in 2009 during the preparation of the initial study.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

**EVIDENCE:** Section 19.16.020.A of the Monterey County Subdivision Ordinance (Board of Supervisors).

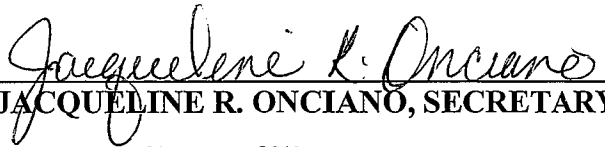
**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

- A. Adopt the Mitigated Negative Declaration; and
- B. Approve the Minor Subdivision (PLN060382) to allow the division of a 121.86 acre parcel into three parcels of 41.86 acres (Parcel A), 40 acres (Parcel B), and 40 acres (Parcel C), respectively, both exhibits being attached hereto and incorporated herein by reference., in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference; and
- C. Adopt the Mitigation Monitoring and Reporting Program.

**PASSED AND ADOPTED** this 24<sup>th</sup> day of February, 2011 upon motion of LeWarne; seconded by McPharlin to approve the project, by the following vote:

AYES: McPharlin, Vandevere, Moss, Onciano, LeWarne, Alinio  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

  
**JACQUELINE R. ONCIANO, SECRETARY**

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAR 09 2011**

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

**MAR 21 2011**

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

**NOTES**

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

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

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

- 2. This permit expires 2 years after the above date of granting thereof unless the parcel map has been recorded within this period.

**RESOLUTION No. 11-002**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name: JOHN B EICHOLZ & ROSE ANN T MAZZONE**  
**File No: PLN060382** **APNs: 424-331-013-000**  
**Approved by: Minor Subdivision Committee Date: February 24, 2011**

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>RMA – Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Minor Subdivision (PLN060382) allows the division of a 121.86 acre parcel into three parcels of 41.86 acres (Parcel A), 40 acres (Parcel B), and 40 acres (Parcel C), respectively. The property is located at 52195 Smith Road, Bradley (Assessor's Parcel Number 424-331-013-000), east of the intersection of Hesperia Road and Smith Road, South County Area Plan. 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. <b>(RMA-Planning Department)</b>	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	
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution No. <u>11-002</u> ) was approved by the Director of the RMA-Planning Department for Assessor's Parcel Number <u>424-331-013-000</u> on <b>February 24, 2011</b> . The permit was granted subject to <b>25</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	Obtain appropriate form from the RMA-Planning Department.  The applicant 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	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.		<p><b>PD032(A) - PERMIT EXPIRATION</b>  The permit shall be granted for a time period of 2 years, to expire on <b>February 24, 2013</b> unless use of the property or actual construction has begun within this period. (RMA – Planning Department)</p>	The applicant 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	
4.		<p><b>PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</b>  If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:  There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:  The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and  If the coroner determines the remains to be Native American:  - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.  - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.  - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or  - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not</p>	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	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>subject to further subsurface disturbance:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The descendent identified fails to make a recommendation; or</li> <li>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.</li> </ol> <p>(RMA - Planning Department)</p>	<p>The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&amp;Rs, and shall be included as a note on an additional sheet of the parcel map.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits and/or prior to recordation of the parcel map</p>	
5.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b>  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</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>	<p>Owner/ Applicant</p>	<p>Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the parcel map,</p>	

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		attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)			whichever occurs first and as applicable	
6.		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> 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.	Owner/ Applicant	Within 5 working days of project approval	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the parcel map, the start of use or the issuance of building or grading permits	
7.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> 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	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 or building	

<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>
		of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	3) The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the parcel map.		permits and/or prior to recordation of the parcel map	
<b>RMA – Public Works Department</b>						
8.		<b>PW0008 - DEDICATION</b> Dedicate to the County of Monterey, 30' from the centerline of Smith Road for street and right-of-way purposes.(Public Works)	Applicant's surveyor shall prepare description of area to be dedicated. DPW can prepare deed.  The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the parcel map.	Owner/ Applicant/ Surveyor	Prior to the issuance of grading or building permits and/or prior to recordation of the parcel map	
9.		<b>PW0015 – UTILITY'S COMMENTS</b> Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)	Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW	Owner/ Applicant	Prior to recordation of parcel map	
10.		<b>PW0022 – FIRE REQUIREMENTS FOR ROADS</b> Improve roads in accordance with requirements of the local fire jurisdiction. (Public Works)	Subdivider shall submit improvement plans prepared by his Engineer to local fire jurisdiction and to DPW for approval. Roads to be constructed in accordance with approved plans.	Subdivider	Prior to recordation of parcel map	
11.		<b>PW0031 – PARCEL MAP</b> File a parcel map delineating all existing and required easements or rights-of-way and monument new lines. (Public Works)	Applicant's surveyor shall prepare parcel map, submit to DPW for review and approval.	Owner/ Applicant/ Engineer	Prior to recordation of parcel map	
12.		<b>PW0036 – EXISTING EASEMENTS AND ROW</b> Provide for all existing and required easements or rights of way. (Public Works)	Subdivider's Surveyor shall include all existing and required easements or rights of way on parcel map.	Subdivider/ Surveyor	Prior to recordation of parcel map	

<i>Permit Cond. Number</i>	<i>Mittg. 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>
<b>Environmental Health Bureau</b>						
13.		<b>EH001 – FIRE FLOW STANDARDS (NON-STANDARD)</b> Design the onsite water/well improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)	Submit evidence to the Environmental Health Division (EHD) that the proposed improvements for fire flow standards have been approved by the local fire protection agency.	CA Licensed Engineer/ Owner/ Applicant	Prior to filing the parcel map	
14.		<b>EH002 – DEED NOTIFICATION (NON-STANDARD)</b> A deed notification shall be recorded concurrently with the parcel map with the Monterey County Recorder for each new parcel that states: "A Soils and Percolation Report has been prepared for this parcel by Mid-Coast Geotechnical, Inc., dated September 29, 2006 and is on record at the Division of Environmental Health, Monterey County, File Number PLN060382. All proposed development shall be in compliance with this report and the recommendations therein. (Environmental Health)	Submit proposed working and forms to be recorded to Environmental Health and RMA-Planning Department for review and approval. Record the deed notification and provide proof of recordation to EHD.	CA Licensed Engineer/ Owner/ Applicant	Concurrent with filing the parcel map	
15.		<b>EH003 – WELL PADS (NON-STANDARD)</b> Well pads shall conform to Environmental Health Division requirements for a concrete pad that is 2.0 feet outward from each of the well casings for all three parcels. (Environmental Health)	Demonstrate that the well pads conform to Environmental Health Division requirements for a concrete pad that is 2.0 feet outward from each of the existing three well casings.	CA Licensed Engineer/ Owner/ Applicant	Prior to filing the parcel map	
<b>Monterey County Water Resources Agency</b>						
16.		<b>WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS</b> A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)	Submit a recorded notice to the Water Resources Agency for review and approval.  (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recorda- tion of the notice shall occur concur- rently with the parcel map	



<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
17.		<b>WR42 - LANDSCAPING REQUIREMENTS</b> A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the parcel map, a copy the completed notice shall be provided to the Water Resources Agency for approval. <b>(Water Resources Agency)</b>	Submit the recorded notice to the Water Resources Agency for review and approval.  (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recorda- tion of the notice shall occur concur- rently with the parcel map	
<b>Fire Agency - CDF South County</b>						
18.		<b>FIRE001 - ROAD ACCESS</b> Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. <b>(CDF South County)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map and building/grading plans.	Applicant or owner	Prior to the issuance of grading or building permits and/or prior to recordation of the parcel map	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
19.		<b>FIRE002 - ROADWAY ENGINEERING</b> The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map and building/grading plans.	Applicant or owner	Prior to the issuance of grading or building permits and/or prior to recordation of the parcel map	

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		surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (CDF South County)	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
20.		<p><b>FIRE006 - DEAD-END ROADS (4)</b>            For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (CDF South County)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map and building/grading plans.	Applicant or owner	Prior to the issuance of grading or building permits and/or prior to recordation of the parcel map	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
21.		<p><b>FIRE010 -ROAD SIGNS</b>            All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on parcel map and improvement plans.	Applicant or owner	Prior to the issuance of grading or building permits and/or prior to recordation	

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		shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (CDF South County)	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	of the parcel map Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision.	
<b>Parks</b>						
22.		<b>PKS002 – RECREATION REQUIREMENTS/FEES</b> The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/ Applicant	Prior to the recordation of the parcel map	
<b>Mitigation Measures</b>						
23.	1.	<b>MITIGATION MEASURE 1 - FLORISTIC INVENTORY AND RARE PLANT SURVEYS</b> Prior to initiation of any future construction activities, a floristic inventory and rare plant survey of the area of development shall be completed by a qualified biologist/botanist during the appropriate seasons to determine the presence or absence of Abbott's bush-mallow ( <i>Malacothamnus abbotii</i> ). Surveys	Prior to filing of the parcel map, a note shall be placed on the parcel map or on a separate sheet to be recorded with the parcel map encompassing all language within Mitigation Measure No. 1. Prior to recordation, the map, with notes, shall be submitted to the RMA - Planning Department for review and	Owner/ Applicant	Prior to recordation of the parcel map	

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		<p>shall be floristic in nature (i.e. all plant species observed shall be recorded), and shall be conducted in accordance with the California Department of Fish and Game (CDFG) <i>Protocols for Surveying and Evaluating Impacts of Special Status Native Plant Populations and Natural Communities</i> (November 2009), and United States Fish and Wildlife Service (USFWS) <i>Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants</i> (USFWS, 2000).</p> <p>Multiple focused field surveys may be required to capture the flowering period of the target species. The location and extent of any rare plant occurrences observed in the project area shall be documented in a report and accurately mapped onto site-specific topographic maps, aerial photographs, or satellite images.</p> <p>If special status plants are identified within the area of development, future applicants shall submit written proof that the RMA – Planning Department and CDFG have been contacted. The report shall include estimates of the plant populations and the percentage of the total population that will be lost as a result of development. Once the location of these special status plant species is known, impacts to these species shall be avoided or minimized to the greatest extent possible. If impacts cannot be avoided, a detailed mitigation and monitoring plan that addresses impacts to all special status species, including Abbott’s bush-mallow, shall be prepared by a County-approved biologist/botanist and reviewed by the RMA - Planning Department and CDFG. The detailed mitigation and monitoring plan shall be developed to protect and enhance the remaining occurrences of these species and to increase the overall numbers of special status plants located on the property. The mitigation and monitoring plan shall at a minimum include the following:</p> <ul style="list-style-type: none"> <li>• The overall goals and measurable objectives of the</li> </ul>	<p>approval.</p> <p>Prior to initiation of any construction activities, the applicant shall retain a qualified biologist to conduct a floristic inventory and rare plant survey. If special status plants are identified, future applicants shall submit written proof that the RMA - Planning Department and CDFG have been contacted and development areas shall be situated such that impacts are avoided or minimized. If impacts cannot be avoided, a mitigation and monitoring plan shall be prepared by a County-approved biologist/botanist. Surveys shall be conducted prior to site disturbance on the property and appropriate mitigation shall be implemented if special status species are found to occur in the area of development.</p>	<p>Owner/ Applicant/ Contractor</p>	<p>Prior to issuance of grading and/or building permits</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>mitigation and monitoring plan;</p> <ul style="list-style-type: none"> <li>• Specific areas proposed for revegetation, their size, and replanting ratio;</li> <li>• Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of Abbott's bush-mallow, such as annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed plant/seed/bulb collection, propagation, and reintroduction of Abbott's bush-mallow into specified receiver sites;</li> <li>• Success criteria based on the goals and measurable objectives to ensure a viable population on the site in perpetuity;</li> <li>• An adaptive management program to address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs;</li> <li>• Remedial measures to address negative impacts to Abbott's bush-mallow and their habitat that may occur during construction activities as well as post-construction when dwellings are occupied;</li> <li>• Reporting requirements to track success or failure of the mitigation program and to ensure consistent data collection and reporting methods used by monitoring personnel; and,</li> <li>• Maintenance and cost estimates.</li> </ul> <p>(RMA - Planning Department)</p>				

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
24.	2.	<p><b>MITIGATION MEASURE 2 – SAN JOAQUIN KIT FOX HABITAT EVALUATION</b></p> <p>Prior to issuance of grading and/or building permits, a qualified biologist shall conduct a San Joaquin Kit Fox Habitat Evaluation to assess the extent of potential SJKF habitat displacement in the area of development. The biologist shall use the California Department of Fish and Game (CDFG) evaluation form to calculate the quality of habitat and submit the form to CDFG for review. The biologist shall submit a letter to the RMA – Planning Department reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary and completed, in consultation with the CDFG, to address any SJKF activity within the project limits. The RMA - Planning Department shall then review the biological letter and proceed with any necessary recommendations of the letter. Possible recommendations may include, but are not limited to, the</p>	<p>Prior to filing of the parcel map, a note shall be placed on the parcel map or on a separate sheet to be recorded with the parcel map encompassing all language within Mitigation Measure No. 2. Prior to recordation, the map, with notes, shall be submitted to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant	Prior to recordation of the parcel map	

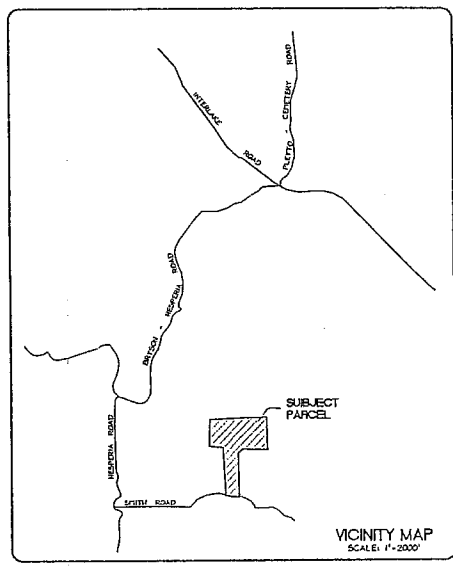
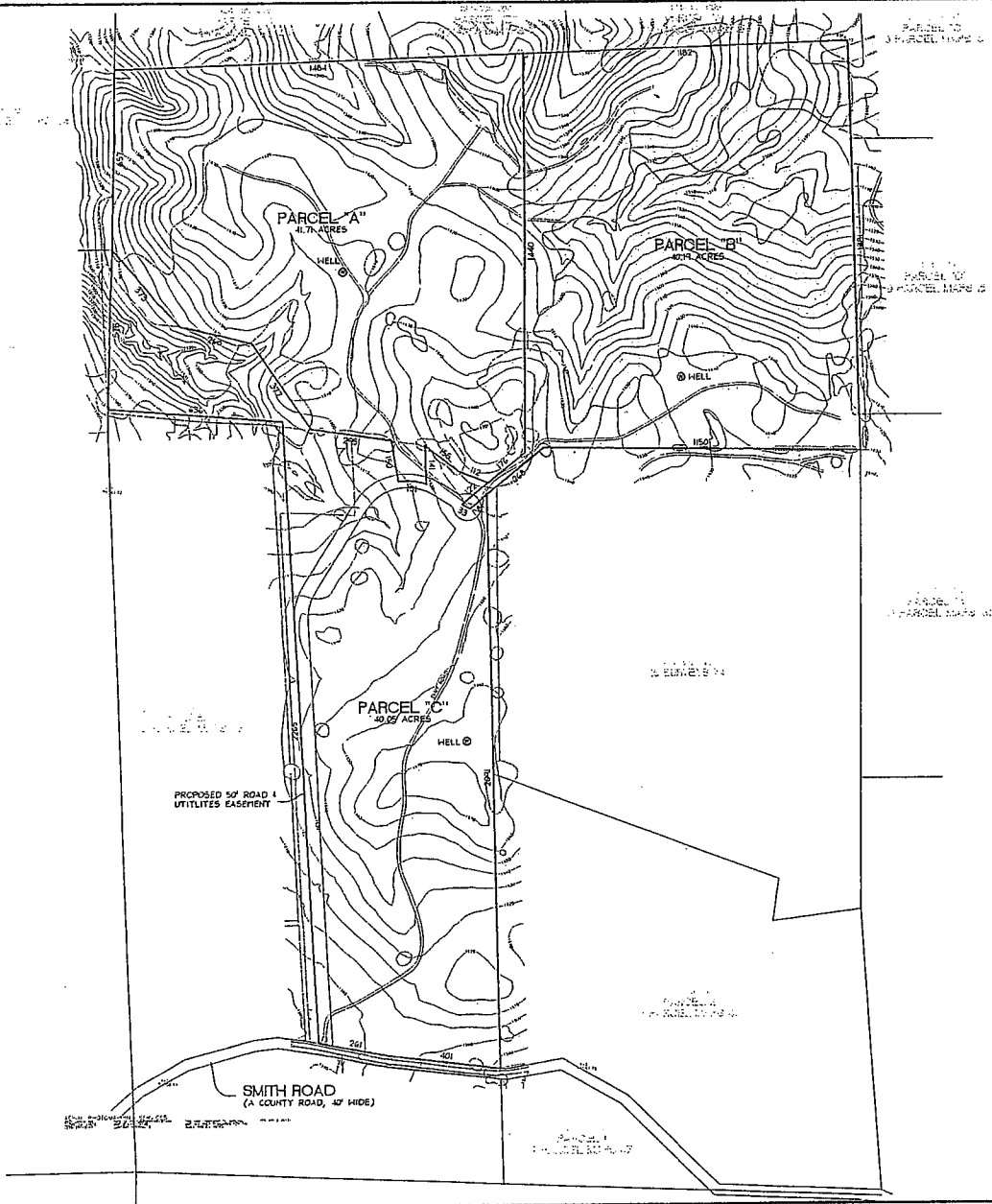
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>following:</p> <ul style="list-style-type: none"> <li>• Proof of compliance with the Federal and California Endangered Species Acts, inclusive as necessary of signed copies of incidental take permits and associated enacting agreements, or other memorandum from the appropriate state and federal agencies determining that such compliance is not required;</li> <li>• Habitat replacement at a ratio of 3:1 for affected acreage;</li> <li>• Establishment of an exclusion zone, or buffer, from potential SJKF dens; and/or</li> <li>• Dedication of a conservation easement.</li> </ul> <p>Upon review of the San Joaquin Kit Fox Habitat Evaluation, if CDFG determines that there will be no impact to SJKF, no further action is necessary. However, if CDFG does find potential for impact to SJKF, implementation of additional Mitigation Measures recommended by the biologist shall be required to reduce potential impacts to a less than significant level. Documentation of the required mitigation must be completed prior to issuance of grading and/or building permits. Mitigation measures must be fully implemented prior to the commencement of any grading. <b>(RMA - Planning Department)</b></p>	<p>Prior to initiation of construction activities, the applicant shall retain a qualified biologist to conduct a San Joaquin Kit Fox Habitat Evaluation for the area of development. The biologist shall submit a letter to the RMA - Planning Department reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary and completed, in consultation with the CDFG, to address any SJKF activity within the project limits. The RMA - Planning Department shall review the report and may require an additional environmental review if necessary.</p>	<p>Owner/ Applicant/ Contractor</p>	<p>Prior to issuance of grading and/or building permits</p>	
25.	3.	<p><b>MITIGATION MEASURE 3 - CULTURAL RESOURCE EVALUATION</b></p> <p>Prior to issuance of grading and/or building permits for Parcel A, a registered archaeologist shall review and comment on any proposed development to assess any potential impacts to either identified or un-identified cultural resources. The archaeologist shall submit a report to the RMA - Planning Department reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary and completed, to address any cultural resources found within the area of development. The report shall also include acknowledgement of review of the previous</p>	<p>Prior to filing of the parcel map, a note shall be placed on the parcel map or on a separate sheet to be recorded with the parcel map encompassing all language within Mitigation Measure No. 3. The map, with notes, shall be submitted to the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to recordation of the parcel map</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>archaeological report, grading plans, and construction plans. The RMA - Planning Department shall then review the archaeological report and proceed with any necessary recommendations of the report. Possible recommendations may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Requirement of an additional environmental review and further mitigation measures; and</li> <li>• Dedication of a conservation easement.</li> </ul> <p>(RMA - Planning Department)</p>	<p>Prior to issuance of any grading and/or building permits for Parcel A, the applicant shall submit an archaeological report conducted by a registered archaeologist which identifies any potential impact caused by the development to any archaeological resource. The report shall include, but not limited to:</p> <ul style="list-style-type: none"> <li>• Review of the previous archaeological report, dated May 3, 2007 by Archaeological Resource Management,</li> <li>• Review of the proposed grading plans (including any new or improved access roads),</li> <li>• Review of the proposed construction plans (including septic, leachlines, and any secondary locations, and areas for utility trenching).</li> </ul> <p>The report shall be reviewed and approved by the RMA-Director of Planning, and any additional environmental review and mitigation measures shall be identified at that time.</p>	Owner/ Applicant/ Contractor	Prior to issuance of grading and/or building permits for Parcel A	

END OF CONDITIONS

Rev. 11/21/09





GEOLOGIC STUDY: MID-COAST GEOTECHNICAL, INC.  
 P.O. BOX 3125  
 PASO ROBLES, CALIFORNIA 93447  
 BIOLOGIC STUDY: ED MERCURIO BIOLOGICAL CONSULTANT  
 447 HILSON STREET  
 SALINAS, CALIFORNIA 93901  
 ARCHAEOLOGIST: ARCHAEOLOGICAL RESOURCE MANAGEMENT  
 496 N. FIFTH STREET  
 SAN JOSE, CALIFORNIA 95112



**SUBMITTER'S STATEMENT**

- 1) PROPOSED DEVELOPMENT: LOTS FOR SALE
- 2) ZONING: RG/40
- 3) WATER: EXISTING INDIVIDUAL WELLS
- 4) SEWAGE DISPOSAL: INDIVIDUAL SEPTIC SYSTEMS
- 5) TREE PLANTING: NONE PROPOSED
- 6) EROSION CONTROL: THE PROVISIONS OF CHAPTER 16.12 OF THE MONTEREY COUNTY CODE SHALL BE COMPLIED WITH.



REVISIONS	BY

**MJG**  
 M. J. GOETZ AND ASSOCIATES  
 PASO ROBLES, CALIFORNIA 93446  
 (805) 237-9177 mjg@aol.com

(PLN060382)  
**TENTATIVE PARCEL MAP**  
 OF PARCEL 2, AS SHOWN ON MAP FILED IN VOLUME 19 OF  
 RANGE 4, EAST, T12D, N1, MONTEREY COUNTY, CALIFORNIA.  
 JOHN REICHEL  
 97 MARKET TERRACE, SCOTT'S VALLEY, CALIFORNIA 95046

DATE: SEPTEMBER 16, 2004

SCALE: 1"=200'

APH 424-331-013

JOB NO. 21-06

SHEET	1	OF	1	SHEETS
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## PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, California.

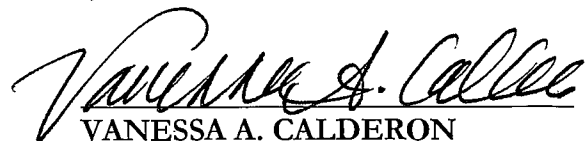
On Wednesday, March 9, 2011 I served a true copy of the following document:

- RESOLUTION NO. – 11-002 JOHN B EICHOLZ AND ROSE ANN T MAZZONE (PLN060382)
- NOTICE OF APPEAL AND INSTRUCTIONS
- PERMIT APPROVAL NOTICE
- INDEMNIFICATION AGREEMENT
- AGREEMENT TO IMPLEMENT A MITIGATION MONITORING AND/OR REPORTING PLAN

on the interested parties to said action by the following means:

- (BY HAND-DELIVERY)** By causing a true copy thereof, enclosed in a sealed enveloped, to be hand-delivered.
- (BY MAIL)** By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Resource Management Agency Planning Department, 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.
- (BY OVERNIGHT DELIVERY)** By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the Resource Management Agency, Planning Department, to be delivered by Overnight Delivery.
- (BY FACSIMILE TRANSMISSION)** By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 757-9516 to the interested parties to said action at the facsimile number(s) shown below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Wednesday, March 9, 2011, at Salinas, California.

  
VANESSA A. CALDERON

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Place address(es) mailed to here:

**REPRESENTATIVE:**

MJ GOETZ & ASSOCIATES  
1605 CAMMERCE WAY STE E  
PASO ROBLES, CA 93446