

Exhibit B

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**Before the Zoning Administrator
in and for the County of Monterey, State of California**

In the matter of the application of:

**KARL F. HEISLER & MICHELLE A. HEISLER TRS
(PLN190184)**

RESOLUTION NO. 23-

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding that the project qualifies as a Class 3 Categorical Exemption CEQA Categorical Exemption 15303(d) of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2.
- 2) Approving a Combined Development Permit consisting of:
 - a) a Coastal Administrative Permit for the construction of a single connection domestic test well on an undeveloped parcel zoned for single-family uses;
 - b) a Coastal Development Permit for the removal of four (4) protected trees; and
 - c) a Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource.

[90 Crest Road, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone (APN: 241-231-010-000)]

The Heisler application (PLN190184) came on for a public hearing before the Monterey County Zoning Administrator on January 26, 2023 and February 9, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** - The proposed project and use, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) The project has been reviewed for consistency with the text, policies, and regulations in the:
 - 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan;
 - Monterey County Coastal Implementation Plan (Part 4);
 - Monterey County Zoning Ordinance - Coastal (Title 20); and
 - Monterey County Public Services Ordinance (Title 15).
 - b) The project is located on an undeveloped parcel in the Carmel Highlands at 90 Crest Rd (APN 241-231-010-000). The property is subject to the Carmel Area Land Use Plan (LUP) and is within the Coastal Zone. The parcel is zoned Low Density Residential, 1 acre

per unit with a Design overlay [LDR/1-D (CZ)]. The parcel is 1.63 acres (approximately 71,003 square feet).

- c) Allowed Use: The proposed project involves the construction of a test well for possible domestic water supply for potential future single-family uses on the parcel. Any future development of the parcel, including potential conversion of the test well to a domestic well and/or single-family residential development would be subject to separate permits. The proposed test well is an allowed use pursuant to section 20.14.040.10 of the Title 20 Zoning Ordinance. Four protected trees are proposed for removal due to their proximity to construction site. The removal of protected trees is allowed under section 20.146.060 of the Monterey County Coastal Implementation Plan, Part 4, pursuant to a Coastal Development Permit. A Coastal Development Permit has been applied to this project; therefore, the proposed tree removal is an allowed use. In accordance with section 20.146.060 of the Monterey County Coastal Implementation Plan, Part 4, the project include a Coastal Administrative Permit to allow development to occur within 750 feet of a known archaeological resource (see subsequent Evidence “j”).
- d) Tree Removal: The project proposes the removal of four (4) protected trees; including three (3) Pine trees, one of which is a landmark tree, and one (1) Cypress tree. The trees are located within the area of disturbance and the removal would accommodate the well drilling equipment. (See Finding 5).
- e) Development Standards: Pursuant to the development standards for the LDR zoning district, identified in MCC Section 20.14.060, and development standards for wells MCC Section 15.08.110, and as proposed, the test well and spoils disposal area meet or exceed all required setbacks. MCC Title 15 requires a 100-foot setback area from other wells, leaching fields and septic tanks. The proposed test well is located 188 feet from the nearest well that is located on an adjacent property east of the project site.
- f) Design: The site is subject to the Design Approval criteria of Chapter 20.44 of the Monterey County Coastal Zoning Ordinance. Staff has reviewed the proposal for its potential impacts to the property and surrounding area. The project includes the drilling of a test well that would result in drilling spoils, earthen materials to create the well bore; and testing spoils, water. Drill spoils - the earthen bore materials and test waters - would be disposed on site. The soil materials would be spread on site and conform to the natural contours of the site, the test waters would be discharged to an area contained by a V- ditch and straw waddles. A fiber mat within the containment area would control the seepage of water to the underground in a manner that would prevent erosion. No drilling spoils or test waters would encroach on any neighboring properties. Criteria to grant the design approval have been met.
- g) Lot Legality: This lot is shown in its current configuration on Certificate of Compliance No. 2022018994. The current configuration of this lot is a result of a lot line adjustment (PLN190183, Res No. 20-024) that was approved By the Planning Commission on July 29, 2020. This Certificate of Compliance was submitted to the County as part of

the application package; therefore, the County recognizes this parcel as a legal lot of land.

- h) Public Access: No coastal 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. (See Finding No. 6).
- i) CEQA: The project site is not located in an Environmentally Sensitive Habitat Area (ESHA) and is Categorically Exempt from further environmental review. (See Finding No. 7).
- j) Cultural Resources: The project site is in an area identified in County records as having a high archaeological sensitivity and within 750 feet of known archaeological resources; however, an archaeological report was prepared for the project (LIB210165). No archaeological resources were identified within the immediate vicinity of the site. The report concluded that the likelihood of unearthing previously unknown archaeological resource or human remains is very low. Grading associated with the drill pad is approximately 960 square feet over an area approximately 20 ft. x 24 ft. A cut of approximately one (1) foot depth and fill of approximately one (1) foot depth would create a drilling pad of 40 ft x 24 ft. However, if archaeological resource or human remains were discovered during construction activities, the standard condition of approval which requires work to be halted if cultural, archaeological, historical or paleontological resources are accidentally uncovered until a qualified professional archaeologist can evaluate it will apply (Condition No. 3).
- k) Land Use Advisory Committee: The project was referred to the Carmel Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedures adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project involves a Coastal Development Permit subject to review by the Zoning Administrator. The LUAC reviewed the project at a duly noticed public meeting on December 5th, 2022, at which all persons had the opportunity to be heard and voted 6-0 to support the project as proposed. The LUAC noted no comments were made by any neighbor or the public.
 - l) No conflicts were found to exist with the above standards and policies. The County finds that the project is consistent with the text, policies, and regulations within the applicable documents.
- m) HCD staff conducted a site inspection on July 17, 2020, to verify that the site is suitable for this use.
 - l) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN190184.

2. FINDING:

SITE SUITABILITY - The site is physically suitable for the development proposed. The project has been reviewed for site suitability by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Carmel Highlands Fire Protection District, and Water Resources Agency. County staff reviewed the application materials and plans, as well as the County's GIS database,

to verify that the proposed project on the subject site conforms to the applicable plans, and that the site is suitable for the proposed development. The project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- EVIDENCE:** a) The following technical reports have been prepared:
- Phase I Inventory of Archaeological Resources for 90 Crest Road, Carmel, CA, Archaeological reconnaissance, prepared by Archives & Archaeology, Salinas, CA, August 28, 2022 (LIB230030).
 - Upper Walden [90 Crest Rd] Well Site Tree Resource Assessment prepared by Frank Ono, Urban Forester, Pacific Grove, CA, June 27, 2019 (LIB220291).

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- b) HCD staff conducted a site inspection on July 17, 2020, to verify that the project on the subject parcel conforms to the project plans and the Monterey County Codes.
- c) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN190184.

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 Monterey County Environmental Health Bureau, HCD-Engineering Services, HCD-Planning, HCD-Environmental Services, and the Carmel Highlands FPD, which concluded the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The Environmental Health Bureau imposed five (5) Conditions of Approval that are included with the project Conditions of Approval including:
1. Prior to drilling the well, the applicant shall obtain a water well construction permit from the Environmental Health Bureau.
 2. Prior to the test well being approved for conversion to a production well, the applicant shall contact Drinking Water Protection Services of the Environmental Health Bureau to schedule a Source Capacity Test.
 3. Prior to the test well being approved for conversion to a production well, the applicant shall submit water quality analysis results to the Environmental Health Bureau for review.

4. Prior to issuance of construction permits, the applicant shall record a deed restriction indicating that any future onsite wastewater treatment system on the property may require the installation and ongoing use of an alternative onsite wastewater treatment system.
 5. The applicant shall record a deed restriction which includes the statement: Well yields in fractured rock or non-alluvial aquifer systems have been shown to decline significantly over time due to their meager ability to store and transmit water.
- b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN190184.

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 conducted site inspections and did not observe any code violations. Staff also researched County records to assess if any violation exists on the subject properties. There are no open code enforcement cases associated with any of the properties related to this project. Thus, the subject properties appear to be in compliance with all codes and policies.
 - b) HCD staff conducted a site inspection on July 17, 2020, to verify that the project on the subject parcel conforms to the project plans and the Monterey County Codes.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN190184.

5. FINDING: **TREE REMOVAL** – Removal of native trees shall be limited to that which is necessary for the development of the structure and access road. Proposed development shall be modified for siting, location, design, size, and bulk where such modifications will result in less removal of healthy trees in a healthy forest condition.

- EVIDENCE:**
- a) The project proposes the removal of a total of four (4) trees from the site as they are located within the area of disturbance:
 - One (1) Monterey pine, 18-inches diameter. This tree is in fair condition.
 - One (1) Monterey pine, 22-inches diameter. This tree is in fair condition.
 - One (1) Monterey pine, 24 inches diameter. This is a landmark tree as defined by the Monterey County Coastal Implementation Plan (Part 4), 20.146.020.D. This tree is in fair condition.
 - One (1) Monterey cypress, 13 inches diameter. This tree is in fair condition.
 - b) An arborist’s report was prepared for the project (Ono, LIB220291). The report includes a Forest Management Plan (FMP), consistent with the Monterey County Coastal Implementation Plan (Part 4), Section 20.146.060.

- c) The arborist report confirmed the four trees mentioned must be removed for the test well to be constructed and that the proposal to build a well is designed to maintain the Monterey pine forest environment, allowing the forest to continue to exist and regenerate over time.
- d) The FMP proposes replacement trees for the removed trees: 2:1 for removal of the landmark tree, and 1:1 for the three (3) remaining trees. The replacement ratios are consistent with 20.146.060.
- e) The project is conditioned to require the installation of 5 replacement trees as described in the FMP (Condition 6).
- f) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN190184.

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 the 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) No evidence or documentation has been submitted, or found, showing the existence of historic public use or trust rights over this property.
- c) The subject property is not described as an area where the Local Coastal Program requires physical public access. The project is located upland from the shoreline, approximately 1,500 feet east of Highway 1 and 3,000 feet east of the Pacific Ocean. The project site is not in proximity to access to the coast or include public or historical trails linking to access to the coast. Additionally, the project site is not near any existing or proposed public trails as described in the Carmel Area Land Use Plan Section 5.3 (Carmel Area General Plan Shoreline Access/Trails-Fig. 3).
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN190184.

7) FINDING:

CEQA (Exempt) – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE:

- a) California Environmental Quality Act (CEQA) Guidelines Section 15303(d) categorically exempts construction of appurtenant structures.
- b) No adverse environmental effects were identified during HCD Staff review of the development application or during a site overview.
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project 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 or development that would result in a cumulative significant impact.

- d) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN190184.

8. FINDING: **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Board of Supervisors but not to the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Pursuant to 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) Coastal Commission: Pursuant to Title 20, Section 20.86.080.A, the project is subject to appeal by/to the California Coastal Commission because it includes development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Find the project is construction of small structures which qualifies as Class 3 Categorical Exemption pursuant to Section 15303(d) of the CEQA guidelines and there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines: and
- B. Approve a Combined Development Permit Consisting of:
 - a. Coastal Administrative Permit to allow the construction of a test well for the purpose of determining quantity and quality of water produced for potable uses;
 - b. a Coastal Development Permit for the removal of four (4) protected trees: One (1) 18-inch Monterey pine, one (1) 22-inch Monterey pine, one (1) 24-inch Monterey pine, and one (1) 13-inch cypress; and
 - c. a Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource.

All of which is in general conformance with the attached plans and subject to 13 conditions,

PASSED AND ADOPTED this 9th day of February 2023.

Mike Novo, AICP, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1064.5 and 1064.6. 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 well permit and must comply with the Monterey County Health Department 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 Monterey County HCD-Planning, HCD-Building Services, and Monterey County Health Department offices in Salinas.

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN190184

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development permit (PLN190184) allows the construction of a single connection domestic test well, removal of four (4) protected trees and development within 750 feet of a known archaeological resource. The property is located at 90 Crest Rd (Assessor's Parcel Number 241-231-010-000), Carmel Area Land Use Plan (CZ). This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number _____) was approved by the Zoning Administrator for Assessor's Parcel Number 241-231-010-000 on February 9, 2023. The permit was granted subject to 13 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: 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. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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 recovery.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to 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 certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of HCD - 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 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to HCD - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall 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.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

5. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

6. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio:
- Replacement ratio recommended by arborist:
- Other:

Replacement tree(s) shall be located within the same general location as the tree being removed. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to HCD -Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

7. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

8. EHSP04 – DEED RESTRICTION: FUTURE ONSITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Owner shall record a deed restriction indicating that any future onsite wastewater treatment system on the property may require the installation and ongoing use of an alternative onsite wastewater treatment system. The Property shall be subject to any and all applicable federal, state and/or local laws, regulations and ordinances in effect at the time of permit issuance regarding the permitting, operation and maintenance or monitoring of onsite wastewater treatment systems. The single exception to this term is that an alternative onsite wastewater treatment system will be subject to an annual operating permit from the Monterey County Health Department, Environmental Health Bureau upon adoption of any State or regional regulations and/or any local ordinance.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the Environmental Health Bureau (“EHB”). The EHB will prepare the deed restriction form.

Prior to final inspection of construction permits, the property owner shall sign and notarize the deed restriction form obtained from the EHB. Record the notarized deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to the EHB.

9. EHSP01-WELL CONSTRUCTION PERMIT NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain a water well construction permit from the Environmental Health Bureau pursuant to Monterey County Code Chapter 15.08, Water Wells

Compliance or Monitoring Action to be Performed: Prior to drilling the well, a CA-licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau on behalf of the property owner.

10. EHSP02-NEW WELL SOURCE CAPACITY TEST IN NON-ALLUVIAL FORMATION-DRILLING IN FRACTURED ROCK (NON-S

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: In order to determine the yield of the well and demonstrate compliance with Section 601.1 of the Uniform Plumbing Code, all new or rehabilitated wells constructed in a non-alluvial formation that are proposed to serve as the sole source or be added to a potable water distribution system shall first undergo a minimum of a 72-hour continuous source capacity test, witnessed by the Environmental Health Bureau (“EHB”). The testing shall conform to the Source Capacity Test Procedure, available from the EHB. The source capacity testing must yield a sufficient quantity to support the proposed development, as determined by EHB. The applicant shall pay all associated fees to the EHB.

Compliance or Monitoring Action to be Performed: Prior to the EHB recommending that the test well being approved for conversion to a production well, contact Drinking Water Protection Services of the EHB to schedule a Source Capacity Test and obtain procedure guidelines. A qualified professional shall perform the test and prepare a report as detailed by the EHB Source Capacity Testing Procedure. Submit the report to EHB for review and acceptance.
If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

11. EHSP03 - NEW DOMESTIC WELL: WATER QUALITY

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A residential building shall be provided with an adequate supply of potable water pursuant to Section 601.1 of the Uniform Plumbing Code. In order to demonstrate a potable supply, a new domestic well shall first undergo water quality testing. Sample collection shall be done after development of the well and shall include analysis of coliform bacteria, and primary inorganics and secondary compounds as listed in Tables 64431-A and 64449-A&B in Title 22 of the California Code of Regulations. Waivers for asbestos, MTBE, and thiobencarb may be available upon request. Sample collection shall be done by a person approved by EHB and shall be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP). If water quality results indicate that the well exceeds a primary drinking water standard(s), an EHB-approved water treatment system shall be installed before a building is occupied and the applicant shall record a deed restriction indicating that treatment is necessary for the well water to meet Title 22, CCR primary drinking water standards.

Compliance or Monitoring Action to be Performed: Prior to the EHB recommending that the test well being approved for conversion to a production well, the applicant shall submit water quality analysis results to the Environmental Health Bureau (EHB) for review. If EHB determines that the water quality is adequate, no further action is required.

If EHB determines that treatment is necessary:

- Prior to issuance of a construction permit, the applicant shall provide plans prepared by a qualified individual for a water treatment to EHB for review and approval.
- Prior to occupancy of a building, the applicant shall provide to EHB for review and approval the as-built plans prepared by a qualified individual for treatment and water quality analysis for a treatment effluent sample that demonstrates the treatment system is able to reduce the contaminant(s) to Title 22, CCR primary standards.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

12. EHSP05 – LONG-TERM WATER SUPPLY DEED RESTRICTION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction which includes the statement: Well yields in fractured rock or non-alluvial aquifer systems have been shown to decline significantly over time due to their meager ability to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future.

Compliance or Monitoring Action to be Performed: The EHB will prepare the deed restriction form.

Prior to final inspection of construction permits, the property owner shall sign and notarize the deed restriction form obtained from the EHB. Record the notarized deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to the EHB.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

13. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance 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. (County Counsel-Risk Management)

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

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

WELL SITE LOGISTICS:

- 1) Minor grading (<20yds) required to create 40' long x 24' wide pad
- 2) One, 20" Pine to be removed
- 3) One, 18" Pine to be removed
- 4) One, 12" Cypress to be removed
- 5) One, 6" oak to be removed
- 6) Air Rotary drilling with all cutting to remain on-site
- 7) Hay-waddle and filter fabric for drilling spoils retention
- 8) Well development water to remain on-site

ORIGINAL PROPERTY LINE:
 Former APN: 241-231-008-000
 New APN: 241-231-009-000
 and also absorbs 241-231-001, -003 & -007
 (not shown)

Conceptual Primary & Expansion Leach Field Areas = 2,942.50 sq.ft.
 Eight, 3-ft wide, 8-ft deep, 100-ft long & Two, 3'W x 8'D x 50'L
 1.5-ft flow line, 6.5 ft effective depth
 10-ft separation sidewall to sidewall
 clean-outs both ends

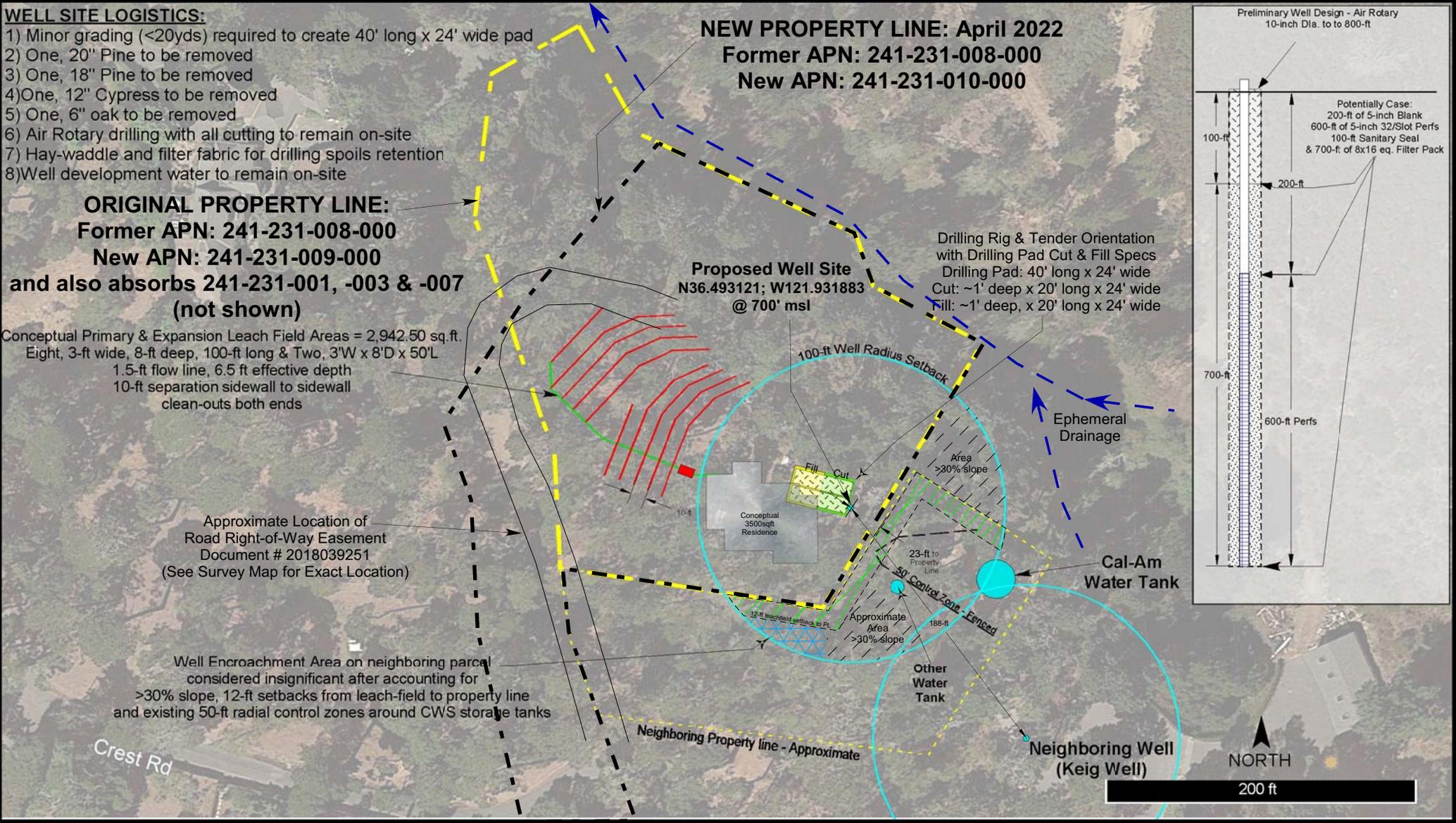
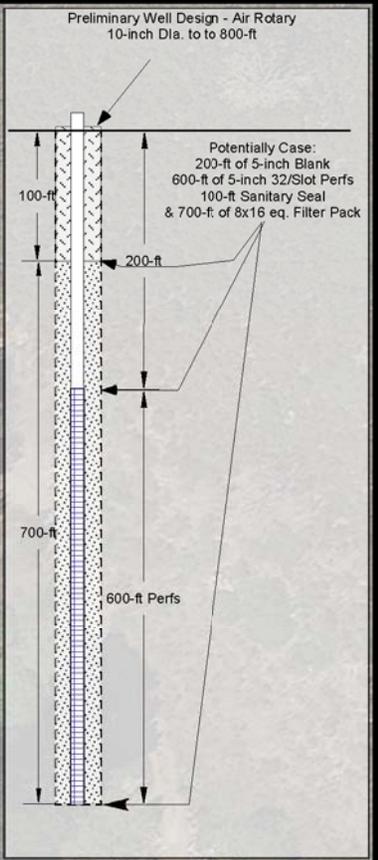
Approximate Location of
 Road Right-of-Way Easement
 Document # 2018039251
 (See Survey Map for Exact Location)

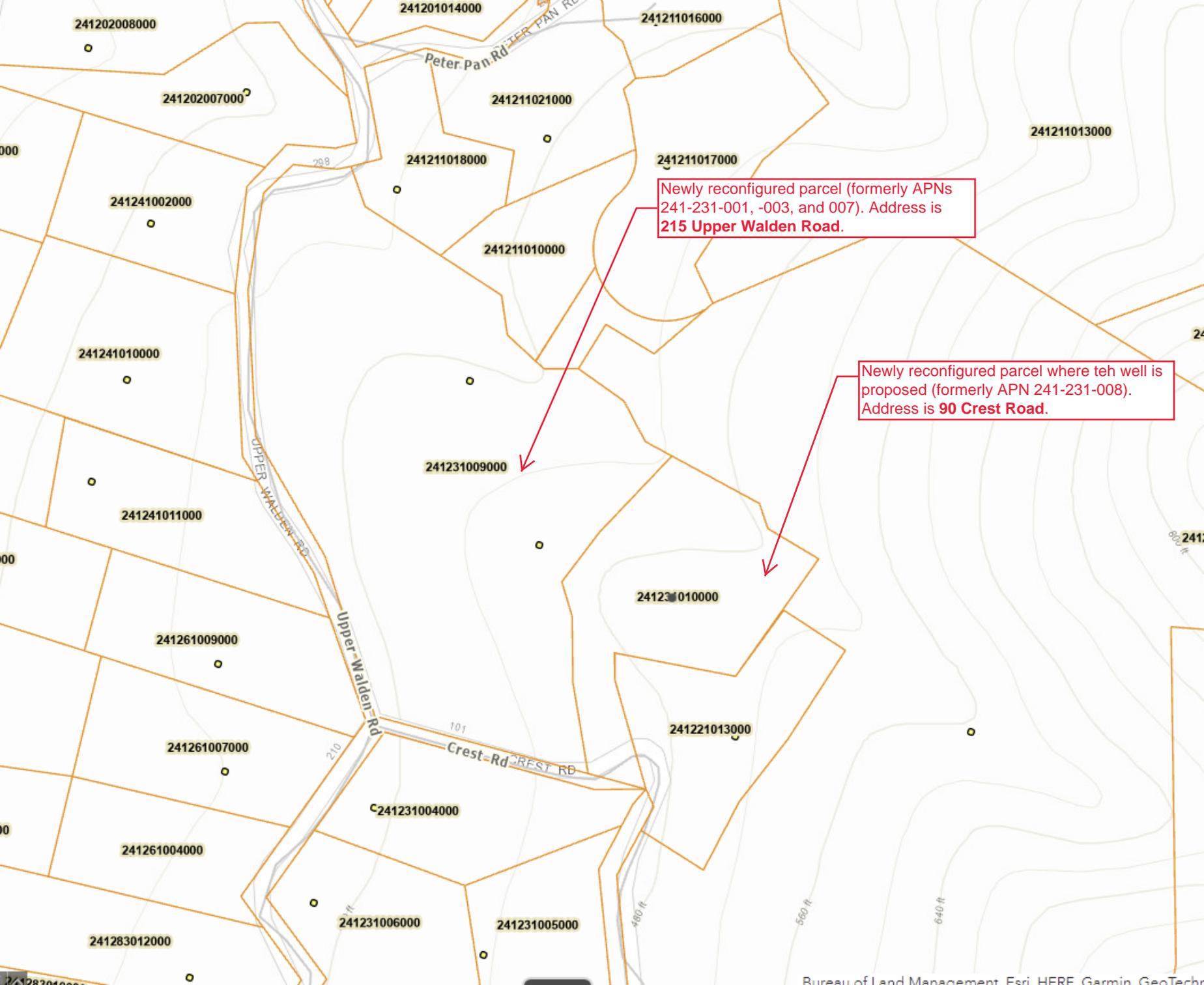
Well Encroachment Area on neighboring parcel
 considered insignificant after accounting for
 >30% slope, 12-ft setbacks from leach-field to property line
 and existing 50-ft radial control zones around CWS storage tanks

NEW PROPERTY LINE: April 2022
Former APN: 241-231-008-000
New APN: 241-231-010-000

Proposed Well Site
 N36.493121; W121.931883
 @ 700' msl

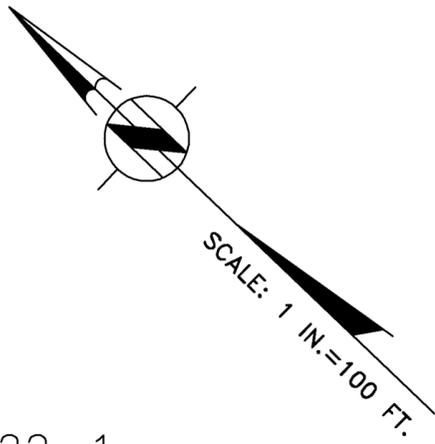
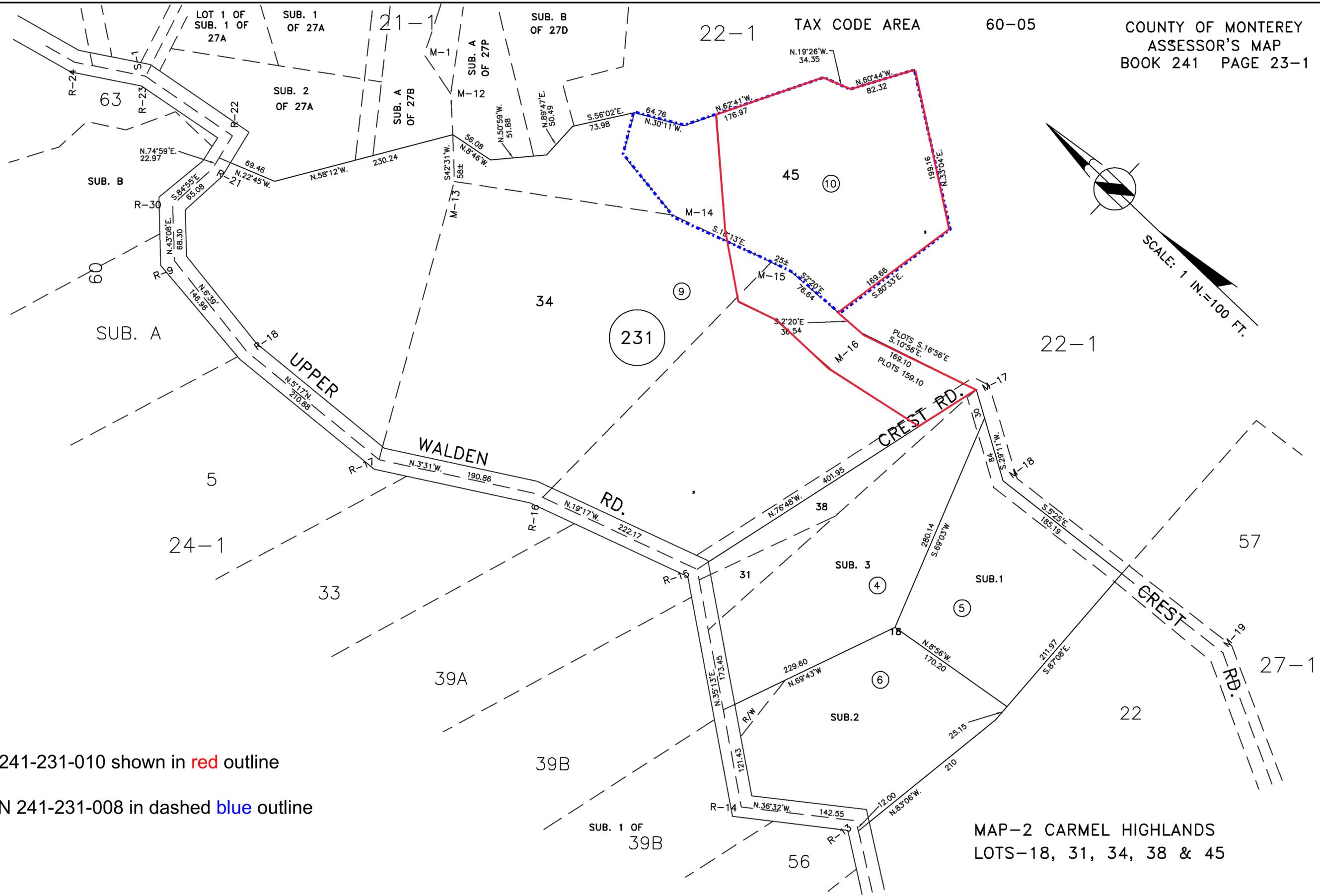
Drilling Rig & Tender Orientation
 with Drilling Pad Cut & Fill Specs
 Drilling Pad: 40' long x 24' wide
 Cut: ~1' deep x 20' long x 24' wide
 Fill: ~1' deep, x 20' long x 24' wide





Newly reconfigured parcel (formerly APNs 241-231-001, -003, and 007). Address is **215 Upper Walden Road**.

Newly reconfigured parcel where teh well is proposed (formerly APN 241-231-008). Address is **90 Crest Road**.



New APN 241-231-010 shown in red outline

Former APN 241-231-008 in dashed blue outline

MAP-2 CARMEL HIGHLANDS
LOTS-18, 31, 34, 38 & 45

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