

# Attachment D

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# Monterey County Resource Management Agency Planning Department

## Condition Compliance Status Report for PLN140077

(as of 11/18/2016)

### 1. PD001 - SPECIFIC USES ONLY

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN140077) allows the renovation and redesign of the portions of Dunes Golf Course located in the Inland areas and the restoration of the Sawmill Gulch Creek where it crosses Hole Nos. 4, 5 & 8 of the Golf Course. The project includes the removal of 46 protected Oak trees and 63 non-protected Pine trees. The property is located at 3000 Club Road, Pebble Beach (Assessor's Parcel Numbers 007-371-003-000, 007-371-006-000, 007-371-010-000, 007-371-011-000, 007-371-012-000, 007-522-008-000 & 007-361-006-000), Greater Monterey Peninsula Area Plan. 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 ongoing basis unless otherwise stated.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano Assistant Planner.*

3/31/2015 11:03:06AM

MONTANOR

## Condition Compliance Status Report for PLN140077

### 2. PD002 - NOTICE PERMIT APPROVAL

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development (Resolution Number 15-011) was approved by the Planning Commission for Assessor's Parcel Numbers 007-371-003-000, 007-371-006-000, 007-371-010-000, 007-371-011-000, 007-371-012-000, 007-522-008-000 & 007-361-006-000 on January 28, 2015. The permit was granted subject to 27 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 building permits or commencement of the use. (RMA - Planning)

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

#### Comments By Staff

**Last Update on:**

**Updated By:**

On 3/27/2015, Agent submitted a copy of the recorded notice; recorded on 3/27/2015; Doc #: 2015015239. This condition is met. Ramon Montano Assistant Planner.

3/31/2015 12:53:12PM

MONTANOR

on 3/20/2015 this was placed in the customer pick up for the agent. Melissa McDougal OA II

### Condition Compliance Status Report for PLN140077

#### 3. PD004 - INDEMNIFICATION AGREEMENT

**Current Status:** Met

**Responsible Department:** Planning Department

**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. (RMA - Planning)

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

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

On April 6, 2014 the Indemnification Agreement was recorded as document Number 2015017294 and submitted to our office to Satisfy this condition.

4/7/2015 9:00:03AM

MCDUGALM

4/3/2015 the Indemnification Agreement is waiting at the front counter for Agent for pick up by Stacy Giles

On 3/20/2015 the Indemnification Agreement was returned from County Counsel and placed in the customer pick up for Joel Panzer by Melissa McDougal

## Condition Compliance Status Report for PLN140077

<b>4. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN</b>
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**Current Status:** **Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building and grading permits, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 5/11/2015 the copy of the 1st page of the Agreement was left by Karen Mitchell and delivered to Ramon Montano by Stacy Giles OA II. Document recorded as Doc #2015024470. Condition is met. (Laura Lawrence, RMA Services Manager)

9/16/2015 10:40:57AM

LAWRENCEL

On 5/8/2015 the Agreement was picked up by Karen Mitchell for Joel Panzer to be recorded. by Stacy Giles OAII

On 5/8/2015 the Agreement was placed at the Customer pick up to be recorded. by Melissa McDougal OAII

On 5/7/15 the Agreement to Implement a Condition of Approval/Mitigation Monitoring and Reporting Plan was signed by Mike Novo and delivered to Melissa McDougal. Linda Rotharmel

5/6/2015: County Counsel approved the Mitigation Monitoring Agreement and the document was forwarded to the Director of RMA - Planning for approval (Monique Kakimoto)

On 4/29/2015 the Mitigation Monitoring Agreement was sent to County Counsel for review and signature by Melissa McDougal, OAII.

On 4/28/2015, the Condition of Approval/Mitigation Monitoring and Reporting Plan was given to Clerical Team to send to County Counsel for their review and approval. Ramon Montano, Assistant Planner.

On 3/27/2015, agent submitted the required fees, receipt number 1027057 for the amount of 6,110.99. Remaining balance due 3,240 the condition is partially met. Ramon Montano, Assistant Planner.

On 4/3/2015, Agent submitted the executed and notarized Condition of Approval/Mitigation Monitoring Plan and the required fees. Ramon Montano, Assistant Planner.

On 3/16/2015 the Mitigation agreement was prepared and sent to the planner for review, at that time it is not clear how the fees for both PLN140432 and PLN140077 will be charged. MMA can not be sent until fees are paid. Melissa McDougal OA II

Condition Compliance Status Report for PLN140077

5. PD006(A) - CONDITION COMPLIANCE FEE

Current Status: **Met**  
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

Comments By Staff

Last Update on:

Updated By:

On 3/27/2015, Agent submitted the required fees (receipt No. 1027057) for Condition Compliance & Mitigation Monitoring. Ramon Montano Assistant Planner.

3/31/2015 12:29:44PM

MONTANOR

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

Current Status: **Not Met**  
Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

1/21/2015 4:47:31PM

OSORIO

Condition Compliance Status Report for PLN140077

7. PD - GRADING PERMIT

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall submit grading plans addressing the requirements of Monterey County Code Chapter 16. The application shall include all the site grading, soil compaction and utility trench backfill recommendations from the several geotechnical reports prepared for the project, as they may apply to specific sections of the golf course. The application shall also include all applicable Best Management Practices during and post-construction identified in the Storm Water Pollution Prevention Plan (SWPP) prepared for the project.

Compliance or Monitoring Action to be Performed: Grading plans shall be submitted prior to issuance of any grading permit for the project. All monitoring shall be conducted as specified in the Storm Water Pollution Prevention Plan and as required by the grading permit.

Comments By Staff

Last Update on:

Updated By:

On 3/27/2015, Agent submitted the three (3) copies of the Grading plans permits 13CP02069, 13CP02070, 13CP02067, 13CP02049, 13CP02068 and 13CP02066. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 2:57:49PM

MONTANOR

8. EROSION CONTROL PLAN

Current Status: Met

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan addressing the requirements of Monterey County Code Chapter 16.12. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/17/2015 11:50:09AM

RILEYKA

## Condition Compliance Status Report for PLN140077

### 9. CALIFORNIA CONSTRUCTION GENERAL PERMIT

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a WDID# certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a WDID# certifying the project is covered under the California Construction General Permit.

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/17/2015 11:51:07AM

RILEYKA

### 10. INSPECTION-PRIOR TO LAND DISTURBANCE

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading, erosion control, and stormwater regulations. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/15/2015

10/15/2015 2:24:12PM

LOMELIE

*RMA-Environmental Services attended a pre-construction meeting on 04/21/2015 to review the Erosion Control Plan and proposed construction schedule.*

*(Emily Lomeli, RMA-Environmental Services, x.5681)*

### 11. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Current Status:** On-Going

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/17/2015 11:51:38AM

RILEYKA

**Condition Compliance Status Report for PLN140077**

**12. MM # 1 & 2- WORKER ENVIRONMENTAL AWARENESS PROGRAM**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A qualified biologist shall prepare and present a Worker Environmental Awareness Program (WEAP) to train all project staff regarding habitat sensitivity, identification of special status species, required practices, and limits of work. The training shall include a brief review of the biology of sensitive species known or with potential to occur on the project site (including but not limited to California Red Legged Frog (CRLF), Monterey large-eared woodrat, white-tailed kite, Cooper's hawk and nesting birds and raptors), the general measures that are being implemented to conserve these species as they relate to the project, guidelines to avoid impacts to these species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers on-site. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures. The applicant shall provide a copy to the RMA-Planning Department. The WEAP must contain the following specific information regarding CRLF: photographs describing and illustrating potentially occurring CRLF; a discussion of measures to be implemented for avoidance of the special status species and the identification of an on-site contact on in the event of the discovery of sensitive species on the site. Training shall be also be conducted for new personnel before they join construction activities. The contractor shall be responsible for ensuring that all personnel working on-site comply with the guidelines.

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction, the applicant shall provide a copy of written materials to be provided to employees as part of the WEAP training to the RMA-Planning Department. Prior to new construction employees beginning work, the project biologist/ecologist shall conduct WEAP training for new employees and documentation (sign-in sheets) as described above shall be provided to the RMA-Planning Department no later than the end of the following month.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 4/3/2015 agent submitted evidence (sign in sheets) demonstrating attendance for the biologist/ecologist conduct WEAP training for new employees. The condition is met. Ramon Montano, Assistant Planner.

10/27/2016 10:28:29AM

MONTANOR

On 4/3/2015 agent submitted a copy of the WEAP training to materials the RMA-Planning

Condition Compliance Status Report for PLN140077

13. MM # 3 - INVASIVE SPECIES MINIMIZATION

Current Status: On-Going

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In order to minimize potential biological impacts to native plant and animal resources and habitat, prior to the issuance of a grading permit, the applicant shall prepare a planting/restoration plan for the areas that will be naturalized to be submitted to the RMA-Planning Department for review and approval. The plan shall be developed in consultation with a qualified biologist and arborist and shall include the following at a minimum: 1) utilize locally sourced plants or seeds that are native to the immediate area; 2) utilize topsoil from forested and naturally vegetated areas which are being converted to irrigated turf; 3) include a plan for eradication of aggressive non-native species including but not limited to French broom (Genista monspessulana) and Myoporum (Myoporum laetum); and 4) monitoring for a period of a minimum of five (5) years to ensure that the plantings are thriving. The restoration shall be considered successful when replacement requirements for trees (see measure BIO-12) are met and 80 percent of other planted native vegetation have survived and are evaluated by the project biologist and project arborist as being in good health. Further invasive non-native species shall occupy less than 10 percent of restored areas and cover of these shall be in decline as illustrated by cover data trends for the monitoring period. In the event of loss of plant materials due to mortality, the plants shall be replaced and the monitoring shall begin again. The approved planting/restoration plan shall be implemented prior to final inspection.

Compliance or Monitoring Action to be Performed: • Prior to the start of construction, the applicant shall provide a copy of the planting/restoration plan for areas that will be converted to native/naturalized vegetation and the invasive species management plan to the RMA-Planning Department for review and approval. • Prior to final inspection, the applicant shall provide a report documenting that restoration planting and invasive species measures have been implemented. • The applicant/owner shall submit a monitoring report prepared by a qualified biologist once per year for a minimum of five (5) years, beginning one year after initial installation is complete. The monitoring report shall include an evaluation of the health status of the plantings and recommendations regarding measures to improve the success of the plantings if they are not thriving. Tree survival reports as required by measure BIO-12 can be submitted as part of this report or separately depending on how restoration plantings are managed. The applicant/owner shall implement recommendations made in annual monitoring reports. The requirement for monitoring reports shall end after five (5) years or whenever the required success rate of 80 percent survival for replanted vegetation other than trees, and 90 percent eradication of non-native species has been met, whichever occurs later.

Comments By Staff

Last Update on:

Updated By:

Condition Compliance Status Report for PLN140077

This condition is on-going for a period of five (5) years, monitoring reports shall end after five (5) years or whenever the required success rate of 80 percent survival for replanted vegetation other than trees, and 90 percent eradication of non-native species has been met. Ramon Montano, Assistant Planner.

10/27/2016 10:37:35AM

MONTANOR

The plans were approved on 9/23/2015. This condition is partially met. Ramon Montano, Assistant Planner.

On 4/13/2015, Agent submitted Final Restoration and Monitoring Plan, with photos and site plans. This condition is met. Ramon Montano, Assistant Planner.

On 4/3/2015 agent submitted a copy of the planting/restoration plan for areas that will be converted to native/naturalized vegetation and the invasive species management plan. Ramon Montano, Assistant Planner.

14. MM # 4 - MINIMIZATION OF IMPACTS ON DUSKY-FOOTED WOODRAT

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall consult with the California Department of Fish and Wildlife (CDFW) on the current taxonomy and conservation status of woodrats on the Peninsula. The applicant shall provide documentation from CDFW regarding the taxonomy and conservation status of woodrats in the project area, and any required avoidance and minimization practices for removal of woodrat middens and relocation of woodrats.

If the applicant does not obtain written documentation from CDFW, the project biologist shall survey for presence of woodrat middens. If middens are discovered, they shall be dismantled slowly using a long-handled pitchfork or layer by layer with a small piece of heavy equipment, to allow any wood rats present in the midden to escape unhindered. Midden materials shall be placed at the edge of the disturbance area to allow salvage and reuse by the relocated woodrat individuals.

Compliance or Monitoring Action to be Performed: Prior to removal of native or naturalized brushy or woody vegetation the applicant shall provide evidence of consultation with the CDFW or shall provide the results of the biologist's survey and recommendations.

Table with 3 columns: Comments By Staff, Last Update on, Updated By. Row 1: On 4/9/2015 agent submitted the results of the biologist's field report for presence of woodrat middens... 10/27/2016 10:40:20AM MONTANOR

Condition Compliance Status Report for PLN140077

15. MM # 5 - PRE-DISTURBANCE SURVEYS FOR CRLF

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pre-disturbance Surveys for CRLF. Prior to renovation activities at Hole 15, implementation of the proposed restoration, and other actions immediately adjacent to drainages, a qualified biologist shall perform two pre-disturbance surveys within suitable CRLF habitats at the restoration site to determine if the species is present. The surveys shall consist of one nighttime or 'eye shine' survey and one daytime survey, to be completed within 48 hours prior to start of construction activities in or immediately adjacent to suitable habitat (ponds, drainages, and wetlands). If this species is not detected during the survey(s), then CRLF Avoidance Measures (BIO-6) shall be implemented and no further mitigation would be required (unless required by other permitting agencies as a condition of permits to conduct stream restoration). However, if a CRLF is found within the project site during the survey(s), project activity affecting suitable habitat shall be halted until the frog has left the work area of its own accord, and the applicant shall report the finding to USFWS within 48 hours. If a CRLF takes up residence in the work area, the applicant shall halt work, and consult with USFWS prior to continuing project activities to determine if take authorization is required, and to determine additional avoidance and minimization measures to protect CRLF, if required. Take authorization would be required to relocate individual CRLF out of the work area, and additional avoidance and minimization measures may include, but would not be limited to: full time monitoring for all activities within suitable habitat, and use of temporary exclusion fencing for activities adjacent to suitable habitat.

Compliance or Monitoring Action to be Performed: Pre-construction surveys must be conducted within 48 hours prior to construction activities within 200 feet of suitable habitat (drainages, wetlands, ponds). Results must be reported to the County before start of work in these areas.

Comments By Staff

Last Update on:

Updated By:

On 4/13/2015, Agent submitted Pre-disturbance Surveys for California Red Legged Frog, dated 4/10/2015, with photos and site plans. This condition is met. Ramon Montano, Assistant Planner.

10/27/2016 10:40:58AM

MONTANOR

## Condition Compliance Status Report for PLN140077

### 16. MM # 6 - CRLF AVOIDANCE MEASURES

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Avoidance and minimization measures shall include the following (adapted from the Programmatic Formal Endangered Species Act Consultation on Issuance of Permits under Section 404 of the Clean Water Act or Authorizations under the Nationwide Permit Program for Projects that May Affect the California Red-legged Frog issued on January 1999 by the United States Fish and Wildlife Service (USFWS). The United States Army Corp of Engineers (USACE) consults with USFWS under Section 7 of the Endangered Species Act if Section 404 permits are issued for the project, to determine if the project is covered under programmatic formal consultation through issuance of USACE permits under Section 404 of the Clean Water Act. If USACE permits are not pursued, the applicant shall consult informally with USFWS that take of federally protected species is not anticipated through implementation of the measures below.

- Work activities in or adjacent to (within 200 feet of) suitable habitat (ponds and drainages) shall be completed between April 15 and October 15.
- A USFWS-approved biologist shall be present on-site during all initial ground disturbing activities, including vegetation removal, grading, and any exclusion fence installation and removal, for renovation activities at Hole 15, course renovation activities immediately adjacent to streams, and for stream restoration activities. Once these activities have been completed, the approved biologist shall conduct periodic inspections of the work site of not less than once per week when construction activities are occurring in/adjacent to suitable habitat. Additional site visits shall occur during rain events when special status amphibians are likely to be mobile to ensure that they are not entering work areas.
- The applicant shall designate a representative who will oversee implementation of all avoidance and minimization measures when the USFWS-approved biologist is not present. This representative shall be trained by the USFWS-approved biologist in the identification of special status amphibians and in the implementation of all avoidance and minimization measures. This representative shall not have the authority to handle special status species.
- Both the applicant's representative and the USFWS-approved biologist shall have the authority to halt any action which may result in take of special status species.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near wetland habitat, drainages, or water bodies.
- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- The USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and non-native crayfish from suitable aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly.
- If any federally protected species are harmed, the USFWS-approved biologist shall document the circumstances that led to harm. Unless take authorization has been obtained from USFWS, project activities shall cease until consultation with USFWS can be completed. Dead or injured special status species shall be disposed

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of at the discretion of USFWS. All incidences of harm shall be reported to USFWS within 48 hours.

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

Avoidance measures shall be implemented at any time that project activities require ground breaking or vegetation removal in and near (within 200 feet) streams, wetlands, or ponds. The project biologist shall submit regular monthly reports to the County summarizing implementation of avoidance measures, and any corrective actions taken, until all project activities affecting these habitat types are complete. Reports can be combined with other reporting requirements where appropriate.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
On 4/13/2015, Agent submitted Final Restoration and Monitoring Plan, with photos and site plans. This condition is met. Ramon Montano, Assistant Planner.	10/27/2016 10:58:09AM	MONTANOR

**17. MM # 7 - WESTERN POND TURTLE AVOIDANCE**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

Prior to renovation or stream restoration activities that require grading or vegetation removal within 200 feet of the ponds at any time, or within 200 feet of drainages when the drainages contain standing water, a qualified biologist shall perform western pond turtle focused surveys. If Western Pond Turtles are observed during these surveys, their locations shall be recorded and no work shall be allowed within 200 feet of these areas until the qualified biologist has determined that the animal(s) have left the area on their own, or the qualified biologist has relocated the animal(s) to a safe location with suitable habitat.

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

Surveys must be completed within 48 hours prior to commencing activities that require grading or vegetation removal within 200 feet of ponds, drainages, or wetlands. Results of the survey and any additional monitoring needs must be submitted to the County prior to commencing construction work.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
On 6/9/2015, Agent submitted Biological Pre-Activity Surveys and Construction Phase Compliance Monitoring Status letter report. This condition is met. Ramon Montano, Assistant Planner.	10/27/2016 11:10:23AM	MONTANOR

Condition Compliance Status Report for PLN140077

18. MM # 8 - GROUND DISTURBANCE AVOIDANCE DURING NESTING SEASON

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Direct disturbance (clearing/grading/vegetation removal) to nesting habitat shall be conducted outside of the breeding season between September 16 and January 31 to the greatest extent possible. Early removal of nesting structures shall prevent mated pairs from nesting in areas subject to disturbance.

Compliance or Monitoring Action to be Performed: Surveys must be completed within 14 days prior to ground disturbance or tree removal. Results must be provided to the County RMA – Planning Department prior to commencing activities. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

Comments By Staff

Last Update on:

Updated By:

On 4/10/2015, Agent submitted the initial Pre-construction Nesting Bird Surveys, dated 4/10/2015, with photos and site plan. This condition is met. Ramon Montano, Assistant Planner.

10/27/2016 11:14:33AM

MONTANOR

**Condition Compliance Status Report for PLN140077**

**19. MM # 9 - PRE-CONSTRUCTION NESTING BIRD SURVEYS**

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** For project activity that occur during the nesting season (between February 1 and September 15), the applicant's qualified biologist shall conduct a nesting bird survey not more than 14 days prior to any ground disturbance, removal of trees or other vegetation. The survey must include a buffer of 500 feet, as accessible, into adjacent vegetation to identify common and special raptor nests in close proximity to work areas. If no active nests are present, then activities can proceed as scheduled. If an active nest is detected during the survey, then the establishment of a protective buffer zone from each active nest (typically 500 feet for special status birds of prey, 300 feet for other raptors and special status passerine species, and 50-100 feet for common native passerine species and waterfowl) shall be established by the qualified biologist, in consultation with CDFW if special status species are involved, and all work within this buffer shall be avoided until a qualified biologist determines that juvenile bird(s) have fledged or the nest has otherwise become inactive. Buffer zones vary depending on the nesting bird species and type of work proposed and may be reduced through consultation with CDFW. The buffer zone shall be clearly delineated to avoid disturbance to nesting birds. Depending on their proximity to disturbance areas, buffer zones may be designated in the field in various ways, including flagging, fencing, and/or signage.

**Compliance or Monitoring Action to be Performed:** Surveys must be completed within 14 days prior to ground disturbance or tree removal. Results must be provided to the County RMA – Planning Department prior to commencing activities. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 4/10/2015, Agent submitted the initial Pre-construction Nesting Bird Surveys, dated 4/10/2015, with photos and site plan. This condition is met. Ramon Montano, Assistant Planner.

10/27/2016 11:16:51AM

MONTANOR

**Condition Compliance Status Report for PLN140077**

**20. MM # 10 - SENSITIVE HABITAT PROTECTION**

**Current Status:** On-Going  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to commencement of course renovation activities, limits of work shall be identified in the field through use of highly visible stakes, flagging, or fencing, and sensitive habitats shall be avoided. A qualified biologist or ecologist must verify limits of work are marked clearly in the field, and are properly placed, particularly for activities that require removal of native or naturalized (non-maintained or landscaped) vegetation, or that occur immediately adjacent to woodland, dune, riparian, wetland, or stream habitats. Where trees are immediately adjacent to work areas, the project arborist or forester shall also be consulted, as noted in measure BIO-13.

**Compliance or Monitoring Action to be Performed:** The project biologist shall submit regular monthly reports to the County summarizing implementation of sensitive habitat avoidance measures, and any corrective actions taken. Reports can be combined with other reporting requirements where appropriate.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. As of XXXXXX All activities have been suspended on the restoration of the creek until released by the Army Corps, USFW and CDFW.(see memo from applicant in documents module). Ramon Montano, Assistant Planner.*

10/31/2016 9:57:22AM

MONTANOR

*On 5/X/2016 agent submitted final report with monthly summarizing implementation of sensitive habitat avoidance measures. This condition is partially met. Ramon Montano, Assistant Planner.*

*On 4/10/2015, Agent submitted Coastal Fence Exhibit, with site plans. This condition is partially met. Ramon Montano, Assistant Planner.*

**Condition Compliance Status Report for PLN140077**

**21. MM # 11 - WETLAND & STREAM HABITAT RESTORATION**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Temporary impacts to jurisdictional wetland and stream habitat shall be mitigated through restoration activity as established through the permitting process with California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and United States Army Corp of Engineers (USACE), but at a minimum ratio of not less than 1 to 1 (acres impacted to acres restored), such that for each acre of temporary impacts to wetlands, one acre of wetlands will be restored to pre-project condition or better, and for each acre of non-wetland stream habitat impacted, one acre of stream habitat shall be restored to pre-project condition or better. Restoration shall be consistent with the prepared Restoration and Monitoring Plan developed for the project, or as modified by agency permit requirements. If modifications to the Restoration Plan are made, the revised plan shall be submitted to the County RMA – Planning Department. The Plan shall be implemented for no less than five (5) years or until Monterey County and/or the permitting authority (e.g., CDFW, USACE, RWQCB) has determined that restoration has been successful. The applicant shall submit monitoring reports to the County for all years in which monitoring actions are conducted. The final restoration plan shall be submitted to Monterey County and/or CDFW for review prior to implementation of the plan.

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

- Prior to the start of construction, the applicant shall provide a copy of the final stream Restoration and Monitoring Plan to the RMA-Planning Department for review and approval.
- Prior to final inspection, the applicant shall provide a report documenting that stream restoration actions have been implemented.
- The applicant/owner shall submit a monitoring report prepared by a qualified biologist once per year for a minimum of five (5) years, beginning one year after initial installation is complete. The monitoring report shall include an evaluation of restoration success according to criteria outlined in the Restoration and Monitoring Plan. The applicant/owner shall implement recommendations made in annual monitoring reports. The requirement for monitoring reports shall end after five (5) years or whenever the required success criteria are met.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. As of XXXXXX All activities have been suspended on the restoration of the creek until released by the Army Corps, USFW and CDFW.(see memo from applicant in documents module). Ramon Montano, Assistant Planner.*

10/31/2016 9:21:00AM

MONTANOR

## Condition Compliance Status Report for PLN140077

### 22. MM # 12 - TREE REPLACEMENT

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** replacement planting and follow up monitoring shall be implemented consistent with the following requirements to ensure replacement planting is successful, consistent with the project Forest Management Plan (FMP) and FMP Addendum:

1. A qualified arborist or forester shall be retained as the project arborist/forester to oversee implementation of tree replacement and protection measures.
2. Oak trees removed shall be replaced on-site at a minimum one-to-one ratio with minimum 15-gallon size coast live oaks grown from local Monterey County seed sources. Monterey pine tree replacement at a one-to-one ratio shall be conducted on-site for all pines removed. Replacement pine trees shall be grown from local seed sources. All replacement tree locations shall be approved by the project arborist/forester. The final quantity of replacement trees surviving at the end of the monitoring period shall meet or exceed the required one-to-one ratio.
3. Tree installation shall be conducted during the winter season from December through February, if feasible. All planting locations shall be mapped and then staked in the field for final approval by the course design team and the project forester/arborist. Planting methods for 15-gallon stock plus 24 and 36-inch box stock shall be as specified by the project arborist/forester and the FMP.
4. Wrapping of the trunks with wire mesh shall be permissible if needed to prevent damage by deer as directed by the project forester/arborist. Suitable caging shall consist of poultry netting or 2- x 4-inch wire fencing. If used, the caging shall be firmly attached to stakes and not the tree trunk.
5. Regular tree irrigation shall be provided for the first two growing seasons and then reduced as recommended by the project arborist/forester. Establishment irrigation is critical for successful root development and must be monitored to prevent adverse fungal development.
6. Following installation of the replacement trees, their establishment and growth shall be monitored every other week for the first growing season, and then monthly for the next three growing seasons to assure successful establishment. Bi-weekly or monthly monitoring reports shall address staking, irrigation, deer damage and overall health condition of the trees.
7. Four years of monitoring of successful growth shall ensure that all replacement trees are healthy, vigorous, and fully established. At the end of the third growing season, the planted stock shall be inspected to confirm the need for reduced irrigation and/or reduced monitoring interval. Monitoring shall be performed by a County approved consulting forester or arborist. Any problems noted shall be immediately corrected.
8. Written tree evaluation reports shall be submitted to the applicant for corrective action (if any) and for project documentation. The applicant shall report back to the project arborist/forester to confirm that any necessary corrective actions have been completed in any given calendar year. In the event of a planted tree failing for any reason, it shall be properly replanted and the maintenance/monitoring program will begin anew for each replanted tree. An annual report documenting progress of replacement planting shall be submitted to the County RMA – Planning Department.

## Condition Compliance Status Report for PLN140077

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

- Prior to the start of construction, the applicant shall provide documentation that a project arborist/forester has been retained.
- Following implementation of restoration plantings, the applicant shall provide a written report from the project arborist/forester documenting planting locations, species, size, and number of trees installed.
- Annually for four years or until success criteria are met the applicant shall provide a written report from the project arborist/forester documenting progress of restoration plantings.
- At the end of the monitoring period when final success criteria are met, the applicant shall provide a final report from the project arborist/forester documenting completion of the restoration project.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going until the completion of the four years or until success criteria are met the applicant shall provide a written report from the project arborist/forester at the end of the monitoring period when final success criteria are met, the applicant shall provide a final report on the status of the trees. Ramon Montano, Assistant Planner.*

10/31/2016 9:44:34AM

MONTANOR

*On 3/30/2015, agent submitted a contract with a Osterling Consultants, Inc., photos and site plan showing tree protection in place approved by a registered Forester. This condition is partially met. Ramon Montano, Assistant Planner.j*

## Condition Compliance Status Report for PLN140077

### 23. MM # 13 - TREE PROTECTION

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize root disturbance, trunk damage, and other detrimental effects to CRPR 1B Monterey Pine and protected native oaks that would not be removed by the project, the following tree protection measures shall be implemented:

1. For trees that would be retained and are located adjacent to project impact areas, prior to any grading activities, tree protection measures shall be installed and approved by the project arborist/forester. Tree protection fencing shall consist of 4-foot-tall orange mesh safety fencing firmly attached to 6-foot-tall steel fence posts driven a minimum of 14 inches into the ground. The protection fencing locations shall be included in the project construction site plans and staked on the ground.
2. Fencing shall be limited to areas within 100 feet of trees where grading is planned unless otherwise required by the project arborist/forester. In general, the fencing shall follow the canopy driplines (which would encompass the Critical Root Zone and Tree Protection Zone) of the retained trees and native vegetation to prevent tree damage and soil compaction. Where equipment might be operating close to the tree trunks, the trunk and any low branches subject to potential damage shall be wrapped with straw wattles and firmly tied. No attachments to the trees are allowed.
3. Tree protection measures shall remain intact and effective for the duration of all construction activities. The project arborist/forester shall monitor the site weekly during construction activities to ensure protection measures remain in place. If special needs require temporary removal of the fencing, it shall be under the direction of and monitored by the project arborist/forester.
4. Should structural pruning (of limbs four [4] inches or greater in diameter) or crown raising be required by the project, it shall be completed prior to the installation of the fencing and under the direct supervision of the project arborist/forester. Pruning shall be completed by a licensed tree care contractor with properly trained personnel.
5. Root impacts on roots over two (2) inches in diameter shall be reduced by cutting them cleanly and sealing with a paint or root sealer to prevent decay. Exposed roots shall be kept moist until backfill is installed. If roots are anticipated to be exposed for more than 24 hours, they shall be covered with wet burlap or other similar material to avoid desiccation.
6. Soils shall not be deposited around or over any trees in the project area.
7. The project arborist/forester shall prepare a written log for site visit monitoring activities and will communicate to the contractor's superintendent any follow-up measures to be undertaken to protect trees during construction.

Compliance or Monitoring Action to be Performed:

- Prior to the start of construction, the applicant shall provide documentation that a project arborist/forester has been retained.
- The project arborist/forester shall provide regular monitoring reports and copies of monitoring logs on a monthly basis during construction.

#### Comments By Staff

Last Update on:

Updated By:

On 3/30/2015, agent submitted a contract with a Osterling Consultants, Inc., photos and site plan showing tree protection in place approved by a registered Forester. This condition is partially met. Ramon Montano, Assistant Planner.

10/31/2016 9:32:38AM

MONTANOR

**Condition Compliance Status Report for PLN140077**

**24. MM # 14 - CULTURAL (PREHISTORIC) RESOURCE PROTECTION**

**Current Status:** Not Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A qualified archaeological monitor shall identify the general areas containing potential historical resources. The archaeological monitor shall be present during excavation and grading for the areas of the identified potentially significant cultural resources. The monitor shall be authorized to halt work to examine any potentially significant archaeological/cultural resources that may be exposed by the grading. If the find is determined to be significant, work shall remain halted in that area until appropriate measures are identified and implemented to protect the resources.

**Compliance or Monitoring Action to be Performed:** Areas containing potential historical resources shall be identified by the archaeologist before grading.

*Comments By Staff*

*Last Update on:*

*Updated By:*

1/21/2015 5:48:57PM

OSORIOL

**25. MM 3 15 - CULTURAL (ARCHAEOLOGICAL) RESOURCE PROTECTION**

**Current Status:** Met  
**Responsible Department:** Planning Department

**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 the discovery.

**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.

*Comments By Staff*

*Last Update on:*

*Updated By:*

*On 4/17/2015, the construction permit 13CP02047 was issued not on plans, sheet 1. This condition is met. Ramon Montano, Assistant Planner.*

9/22/2015 4:49:52PM

MONTANOR

Condition Compliance Status Report for PLN140077

26. MM # 16 - TRUCK CIRCULATION SCHEDULE

Current Status: Partially Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: There shall be no truck circulation related to the project between the hours of 7-9 am and 4-6 pm in the following areas: 1) on the segment of Highway 68 (Holman Highway) between the Morse Drive entrance to Pebble Beach and the Highway 68/Highway 1 intersection; and 2) on the segment of Highway 1 between Highway 68 and the City of Seaside. Sand hauling truck traffic into the site and exiting truck traffic shall be scheduled accordingly.

Compliance or Monitoring Action to be Performed: The truck circulation schedule shall be maintained during the duration of the sand hauling operations.

Comments By Staff

Last Update on:

Updated By:

On 3/27/2015, agent submitted three copies of the Sand Hauling Construction Management Plan. This mitigation is partially met and remain ongoing for the duration of the project. This allows permit 15CP0707 to be issued allowing the transportation and deposit of sand materials in approved stockpile areas. Ramon Montano, Assistant Planner.

3/31/2015 1:10:18PM

MONTANOR

27. MM # 17 - CONSTRUCTION MANAGEMENT PLAN FOR SNAD IMPORTATION

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall provide a construction management plan including the following: 1) Between the Morse Drive entrance to Pebble Beach and the project site, truck drivers shall be instructed to utilize Morse drive, Congress Road and Bird Rock Road to access and egress the site; 2) any sand stockpile that may be necessary shall be located at a minimum of 250 feet from any road right-of-way to allow sufficient truck maneuvering areas and to avoid queue spillover onto the roads; and 3) traffic control signs shall be installed at and near the golf course access points for the sand hauling operation during the duration of the project:

- a) "Truck Entrance" warning signs on Sloat Road, Bird Rock Road and other roads utilized to access the golf course;
b) A special sign providing a phone number for persons with questions, problems or complaints. The special sign is recommended to read "Monterey Peninsula Country Club Renovation. We want to be good neighbors. If you have any questions or problems, call (xxx) xxx-xxxx."

Compliance or Monitoring Action to be Performed: The location of the signs shall be approved and the signs located prior to and throughout the duration of the sand hauling operation.

Comments By Staff

Last Update on:

Updated By:

1/21/2015 5:48:57PM

OSORIOL

# Monterey County Resource Management Agency Planning Department

## Condition Compliance Status Report for PLN140903

(as of 11/18/2016)

### 1. PD001 - SPECIFIC USES ONLY

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN140903) consists of: 1) a Coastal Development Permit to allow development on 25% slopes for improvements to existing infrastructure; 2) a Coastal Development Permit to remove a 36 inch landmark Eucalyptus tree; and 3) a Coastal Administrative Permit to allow improvements sidewalks, curbs and drainage culverts in the County right-of-way and private property, North County Coastal Zone.. The property is located within the Unincorporated Community of Las Lomas in North Monterey County, Public Right of Way and portions of (Assessor's Parcel Numbers 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000), North County Land Use Plan,. 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. Compliance with the conditions of approval is the responsibility of Monterey County. 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 ongoing basis unless otherwise stated.

**Comments By Staff**

**Last Update on:**

**Updated By:**

1/14/2015 3:30:16PM

MONTANOR

Condition Compliance Status Report for PLN140903

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

Current Status: Not Met
Responsible Department: Planning Department

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.

Comments By Staff Last Update on: Updated By:
1/14/2015 3:30:16PM MONTANOR

3. PD007- GRADING WINTER RESTRICTION

Current Status: Not Met
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

Comments By Staff Last Update on: Updated By:
1/14/2015 3:30:16PM MONTANOR

## Condition Compliance Status Report for PLN140903

### 4. PD011 - TREE AND ROOT PROTECTION

**Current Status:** Not Met

**Responsible Department:** Planning Department

**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 RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

**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 RMA - 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 RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

**Comments By Staff**

**Last Update on:**

**Updated By:**

1/14/2015 3:30:16PM

MONTANOR

### 5. PD032(A) - PERMIT EXPIRATION

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on January 14 2018 unless use of the property or actual construction has begun within this period. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

**Comments By Staff**

**Last Update on:**

**Updated By:**

1/14/2015 3:30:16PM

MONTANOR

Condition Compliance Status Report for PLN140903

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

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:30:16PM

MONTANOR

7. PD033 -RESTORATION NATURAL MATERIALS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of RMA - Planning. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of use, the Owner/Applicant shall submit restoration plans to RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:30:16PM

MONTANOR

## Condition Compliance Status Report for PLN140903

### 8. GRADING PLAN

**Current Status:** Not Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Grading Plan incorporating the recommendations in the project Geotechnical Investigation prepared by Soil Surveys, Inc. The Grading Plan shall be reviewed by a licensed Geotechnical Engineer for any potential impacts to the conclusions and recommendations identified in the Geotechnical Investigation. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed Geotechnical Engineer that they have reviewed and approved the Grading Plan.

*Comments By Staff*

*Last Update on:*

*Updated By:*

1/14/2015 3:30:16PM

MONTANOR

### 9. STORMWATER CONTROL REPORT AND PLAN

**Current Status:** Not Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Stormwater Control Report, prepared by a registered professional engineer, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The report shall include supporting calculations for each selected stormwater design measure, and it shall include a Stormwater Control Plan identifying the location of the drainage facilities with supporting construction details. The Stormwater Control Plan shall be reviewed by a licensed Geotechnical Engineer for any potential impacts to the conclusions and recommendations identified in the Geotechnical Investigation. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Stormwater Control Report and a Stormwater Control Plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed Geotechnical Engineer that they have reviewed and approved the Stormwater Control Plan.

*Comments By Staff*

*Last Update on:*

*Updated By:*

1/14/2015 3:30:16PM

MONTANOR

Condition Compliance Status Report for PLN140903

10. EROSION CONTROL PLAN

Current Status: Not Met
Responsible Department: Environmental Services
Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan identifying the proposed methods to control runoff and erosion.
Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

Comments By Staff Last Update on: Updated By:
1/14/2015 3:30:16PM MONTANOR

11. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES

Current Status: On-Going
Responsible Department: Environmental Services
Condition/Mitigation Monitoring Measure: The applicant shall provide verification from a registered Professional Engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan.
Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

Comments By Staff Last Update on: Updated By:
1/14/2015 3:31:25PM MONTANOR

12. GEOTECHNICAL CERTIFICATION

Current Status: On-Going
Responsible Department: Environmental Services
Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with the recommendations in the project Geotechnical Investigation.
Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed Geotechnical Engineer.

Comments By Staff Last Update on: Updated By:
1/14/2015 3:31:25PM MONTANOR

Condition Compliance Status Report for PLN140903

13. INSPECTION-DURING ACTIVE CONSTRUCTION

**Current Status:** On-Going  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:31:25PM

MONTANOR

14. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Current Status:** On-Going  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:31:25PM

MONTANOR

15. WRSP1 - FEMA LETTER OF MAP REVISION

**Current Status:** Not Met  
**Responsible Department:** Water Resources Agency  
**Condition/Mitigation Monitoring Measure:** The applicant shall obtain a FEMA Letter of Map Revision (LOMR) officially removing those areas no longer located within the Special Flood Hazard Area as a result the proposed project. (Water Resources Agency)  
**Compliance or Monitoring Action to be Performed:** No more than 60 days after project completion, the applicant shall submit a LOMR application to FEMA.  
  
A copy of the LOMR obtained through FEMA shall be provided to the Water Resources Agency for community filing.

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:31:25PM

MONTANOR

Condition Compliance Status Report for PLN140903

16. MMRP001 – MITIGATION MEASURE: AIR QUALITY

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: AQ-1. To control dust and equipment exhaust emissions during grading, excavation and construction activities, Monterey County Department of Public Works will include the following MBUAPCD dust control measures into contracts for the proposed project:

- a. Water all active construction areas at least twice daily, or as required to control dust;
b. Cover all trucks hauling dirt, sand, or loose material;
c. Sweep streets daily if visible soil material is carried out from the construction site;
d. Apply (non-toxic) chemical soil stabilizers on all unpaved access roads, parking areas and staging areas as well as on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
e. Apply (non-toxic) binders to exposed areas after cut and fill operations and hydroseed area;
f. Cover inactive storage piles;
g. Limit traffic/equipment speed on unpaved surfaces to 15 mph, or less under windy conditions; and
h. Plant vegetative ground cover in disturbed areas as soon as possible.
i. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
j. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
k. Post a publicly visible sign in English and Spanish with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Monterey Bay Unified Air Pollution Control District's phone number shall also be visible to ensure compliance with applicable regulations.

Compliance or Monitoring Action to be Performed: Monterey County Department of Public Works will include a "Fugitive Dust Control" note on all bid and construction documents that includes, but is not limited to, The measures set forth in Mitigation Measure AQ-1. During construction activities, the contractor shall obtain any required MBUAPCD permits and conduct all construction activities as required by MBUAPCD.

The contract shall indicate that the appointed contractor will provide a monthly compliance report with the aforementioned measures. The report shall be submitted on the first day of each month to the County and shall run for the course of the construction activities. The report shall demonstrate compliance with each measure and copies of all required permits from MBUAPCD will be included. (RMA-Planning and Public Works)

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:31:25PM

MONTANOR

## Condition Compliance Status Report for PLN140903

### 17. MMRP002 – MITIGATION MEASURE: BIOLOGICAL RESOURCES

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** BIO-1. If construction activities begin during the bird nesting season (February 1 to September 15 or if construction activities are suspended for at least two weeks and recommence during the bird nesting season), then the Monterey County Department of Public Works will retain a County-approved consulting biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas in and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the Monterey County Planning Department for review and approval prior to construction activities; and

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist; and

To ensure that no inadvertent impacts to an active bird nest will occur, no construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

Action to be preformed:

Monterey County Department of Public works will include a "Pre-Construction Survey" note on all project bid and construction documents that includes, but not limited to, the measures set forth in mitigation measure BIO-1.

The contract shall indicate that the appointed contractor will provide evidence of compliance with MMRP002 BIO-1, by conducting a pre-construction survey no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the Monterey County Planning Department for review and approval prior to construction activities.

**Condition Compliance Status Report for PLN140903**

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

Monterey County Department of Public works will include a "Pre-Construction Survey" note on all project bid and construction documents that includes, but not limited to, the measures set forth in mitigation measure BIO-1.

The contract shall indicate that the appointed contractor will provide evidence of compliance with MMRP002 BIO-1, by conducting a pre-construction survey no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the Monterey County Planning Department for review and approval prior to construction activities.

*Comments By Staff*

*Last Update on:*

*Updated By:*

1/14/2015 3:31:25PM

MONTANOR

**18. MMRP003 – MITIGATION MEASURE: BIOLOGICAL RESOURCES**

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

BIO-2. Prior to commencement of construction activities in Area A and Area B, Monterey County Department of Public Works will conduct a jurisdictional waters delineation to document the extent of potentially jurisdictional Waters of the U.S. within the Area A and Area B project boundary which may be regulated by the U.S. Army Corps of Engineers (USACE). The delineation report will also contain a determination of the extent of potential impacts to jurisdictional areas resulting from project implementation.

Pursuant to Clean Water Act Section 404 Nationwide Permit (NWP) 14; if the discharge causes the loss of less than 1/10-acre to Waters of the U.S., no further action is required. If impacts to jurisdictional areas are less than 1/3 acre but greater than 1/10 acre, the Monterey County Department of Public Works will notify the USACE District Engineer in accordance with requirements specified in NWP 14. If impacts to jurisdictional areas are greater than 1/3 acre, or if the proposed activity would not otherwise qualify for NWP 14, the Monterey County Department of Public Works will proceed with obtaining an Individual Permit from the USACE. In addition to a Section 404 permit from the USACE, a Streambed Alteration Agreement from the CDFW and a Water Quality Certification (Section 401 of the Clean Water Act) from the Central Coast Regional Water Quality Control Board (RWQCB) will be obtained.

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

Prior to commencement of construction activities in Area A and Area B, Monterey County Department of Public Works will conduct a jurisdictional waters delineation to document the extent of potentially jurisdictional Waters of the U.S. within the Area A and Area B project boundary and obtain applicable permits from USAC, and CDFW, and the RWQCB as described in mitigation measure BIO-2.

*Comments By Staff*

*Last Update on:*

*Updated By:*

1/14/2015 3:31:25PM

MONTANOR

Condition Compliance Status Report for PLN140903

19. MMRP004 – MITIGATION MEASURE: BIOLOGICAL RESOURCES

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIO-3. In order to allow a prompt and effective response to any accidental spills occurring during construction, and to protect on-site and downstream water quality and habitat, the Department of Public Works will required the contractor to prepare a spill abatement plan and hold a pre-construction worker orientation meeting(s) to discuss the spill abatement plan. Workers will be informed of the importance of preventing spills, and of the appropriate measures to take should a spill occur. The materials necessary for the initial response to a spill will be kept at an easily accessible location on the project site. The erosion control plan will include but not be limited to the following best management practices:

- a. Temporary mulching, seeding or other suitable stabilization measures to protect exposed erodible areas during construction;
- b. Earth or paved interceptors and diversions installed at the top of cut or fill slopes where there is a potential for erosive surface runoff;
- c. Erosion and sediment control devices for all grading and filling. Control devices and measures could include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water; and
- d. Within thirty days after completion of grading, all surfaces disturbed by vegetation removal, grading, or other construction activity that alters vegetative cover, should be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measure, including but not limited to those described in USDA Soil Conservation Service Bulletin 347.

Compliance or Monitoring Action to be Performed: The Monterey County of Public Works will include the measures set forth in mitigation measure BIO-3 on all bid documents for the proposed project:

The project contractor shall prepare a spill abatement plan and hold pre-construction worker orientation meeting(s) to discuss the spill abatement plan; and

Provide copies of the spill abatement plan and a schedule of the pre-construction worker orientation meeting(s) to the Monterey County RMA-Planning and Public Works for review and approval prior to start of construction activities.

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:31:25PM

MONTANOR

Condition Compliance Status Report for PLN140903

20. MMRP005 – MITIGATION MEASURE: HYDROLOGY AND WATER QUALITY

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: H-1. The Monterey County Department of Public Works will prepare and file a Notice of Intent (NOI) to the Regional Water Quality Control Board (RWQCB) prior to grading activities. The County will implement control measures that are consistent with the State Construction Storm Water General Permit and with recommendations and policies of the local agency and the RWQCB. The State Construction Storm Water General Permit requires a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP uses storm water "Best Management Practices" to control runoff, erosion and sedimentation from the site. The SWPPP has two major objectives:

- a. To help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and
- b. To describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges.

The SWPPP must include Best Management Practices, which address source reduction and, if necessary, shall include practices that require treatment. It should be consistent with the terms of the State Construction Storm Water General Permit, policies and recommendations of the county urban runoff program and recommendations of the RWQCB.

Compliance or Monitoring Action to be Performed: Prior to the commencement of construction the Monterey County Department of Public Works will prepare and file a Notice of Intent (NOI) to the RWQCB prior to grading activities.

Prior to the commencement of all grading activities the Monterey County Department of Public Works will require the project contractor to implement control measures that are consistent with the State Construction Storm Water General Permit and with recommendations and policies of the local agency and the RWQCB. The State Construction Storm Water General Permit requires a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP uses storm water "Best Management Practices" to control runoff, erosion and sedimentation from the site.

Comments By Staff

Last Update on:

Updated By:

1/14/2015 3:31:25PM

MONTANOR

Condition Compliance Status Report for PLN140903

21. MMRP006 – MITIGATION MEASURE: NOISE REDUCTION

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** N-1. The Monterey County Department of Public Works will include the following noise reduction measures in all construction bids and plans:

- a. Limit construction activity to weekdays between 7 AM and 7 PM and Saturdays and holidays between 9 AM and 7 PM, with no construction on Sundays;
- b. All equipment shall be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive train, and other components;
- c. All equipment with internal combustion engines shall be equipped with a type of muffler recommended by the vehicle manufacturer;
- d. Dirt berm and stockpile materials whenever possible to help reduce noise to adjacent residences; and
- e. The following equipment should be considered to minimize noise in the surrounding area:
  - Earth Removal: Use scrapers as much as possible for earth removal rather than the noisier loaders and hauling trucks;
  - Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders; and
  - Ground Preparation: Use a motor grader rather than a bulldozer for final grading.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of construction the Monterey County Department of Public Works will include the measure contained in Mitigation Measure N-1 on all bid and construction documents;

Prior to the commencement of construction or issuance of grading permits RMA-Planning and Public Works will confirm that the required notes are on the grading and or construction plans.

**Comments By Staff**

**Last Update on:**

**Updated By:**

1/14/2015 3:32:05PM

MONTANOR



**Monterey County Resource Management Agency  
Planning Department**

**Condition Compliance Status Report for PLN140432**

(as of 11/18/2016)

**1. PD001 - SPECIFIC USES ONLY**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN140432) allows the renovation and redesign of the portions of the Dunes Golf Course located in the designated coastal zone areas; and the restoration of the Sawmill Gulch Creek where adjacent to Hole No. 9 of the Golf Course. The property is located at 3000 Golf Club Road, Pebble Beach (Assessor's Parcel Numbers 007-361-001-000, & 007-371-013-000), Del Monte Forest Area Land Use Plan. 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 ongoing basis unless otherwise stated.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano Assistant Planner.*

*11/8/2016 3:32:07PM*

*MONTANOR*

## Condition Compliance Status Report for PLN140432

### 2. PD002 - NOTICE PERMIT APPROVAL

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit (Resolution Number 15-012) was approved by the Planning Commission for Assessor's Parcel Numbers 007-361-001-000, & 007-371-013-000 on January 28, 2015. The permit was granted subject to 26 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 building permits or commencement of the use. (RMA - Planning)

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

#### Comments By Staff

**Last Update on:**

**Updated By:**

On 3/27/2015, Agent submitted a copy of the recorded notice; recorded on 3/27/2015; Doc #: 2015015240. This condition is met. Ramon Montano, Assistant Planner

11/8/2016 3:32:07PM

MONTANOR

## Condition Compliance Status Report for PLN140432

<b>3. PD004 - INDEMNIFICATION AGREEMENT</b>
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**Current Status:** **Met**

**Responsible Department:** Planning Department

**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. (RMA - Planning)

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

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

On April 6, 2014, agent submitted a copy of the recorded notice; recorded on 4/6/2015; Doc #: 2015017293. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

On 3/20/2015 the Indemnification Agreement was returned from County Counsel and placed in the customer pick up for Joel Panzer by Melissa McDougal

On 4/3/2015 the Indemnification Agreement was left in Customer Pick up for the Agent by Stacy Giles

**Condition Compliance Status Report for PLN140432**

**4. PD - ADDITION OF HISTORICAL RESOURCE ("HR") OVERLAY**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/ Mitigation Monitoring Measure:** Consistent with the provisions of Chapter 20.147.080 C 3 (b) of the Monterey County Coastal Implementation Plan - Part 5 - Regulations for Development in the Del Monte Forest Land Use Plan Area, the applicant shall request in writing the addition of the "HR" (Historical Resources) Overlay to the parcels where archaeological resources have been identified.

**Compliance or Monitoring Action to be Performed:** Prior to finalizing of the grading permit for grading in the coastal portions of the Golf Course renovation.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 3/27/2015, agent submitted a letter request in writing for the addition of the "HR" Overlay to parcels with archaeological resources. This condition is met. Ramon Montano Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

**5. PD - CONSERVATION EASEMENT - ARHAEOLOGICAL RESOURCES**

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/ Mitigation Monitoring Measure:** Consistent with the provisions of Chapter 20.147.080 C 3 (c) of the Monterey County Coastal Implementation Plan - Part 5 - Regulations for Development in the Del Monte Forest Land Use Plan Area, the archaeological resources identified on the property shall be placed in a conservation easement.

**Compliance or Monitoring Action to be Performed:** The project archaeologist shall recommend the area to be placed under the conservation easement.

An easement deed shall be recorded prior to finalizing of the grading permit for the grading in the coastal portions of the renovation of the Golf Course.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 3/16/2015 the Conservation Easement was sent to the planner to review and add the information that the OA does not know. Melissa McDougal OAI

11/8/2016 3:32:07PM

MONTANOR

## Condition Compliance Status Report for PLN140432

<b>6. PD - OPEN SPACE/CONSERVATION AND SCENIC EASEMENT - SAWMILL GULCH CREEK</b>
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**Current Status:** **Not Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Consistent with the provisions of Chapter 20.147.040 C 3 (b) of the Monterey County Coastal Implementation Plan - Part 5 - Regulations for Development in the Del Monte Forest Land Use Plan Area, the portion of the Gulch Creek located in the coastal zone shall be placed in an open space and conservation easement.

**Compliance or Monitoring Action to be Performed:** Open Space and Conservation and scenic easement deed to be recorded prior to issuance of the final of the grading permit for the grading in the coastal portions of the Golf Course.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
	11/8/2016 3:32:07PM	MONTANOR

<b>6. PD - GRADING PERMIT</b>
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**Current Status:** **Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall submit grading plans addressing the requirements of Monterey County Code Chapter 16. The application shall include all the site grading, soil compaction and utility trench backfill recommendations from the several geotechnical reports prepared for the project, as they may apply to specific sections of the golf course. The application shall also include all applicable Best Management Practices during and post-construction identified in the Storm Water Pollution Prevention Plan (SWPP) prepared for the project.

**Compliance or Monitoring Action to be Performed:** Grading plans shall be submitted prior to issuance of any grading permit for grading in the coastal portions of the project. All monitoring shall be conducted as specified in the Stormwater Pollution Prevention Plan and as required by the grading permit.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
<p>On 3/27/2015, Agent submitted the three (3) copies of the Grading plans permits 13CP02069, 13CP02070, 13CP02067, 13CP02049, 13CP02068 and 13CP02066. This condition is met. Ramon Montano, Assistant Planner.</p>	11/8/2016 3:32:07PM	MONTANOR

## Condition Compliance Status Report for PLN140432

### 7. EROSION CONTROL PLAN

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Erosion Control Plan addressing the requirements of Monterey County Code Chapter 16.12. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified.  
(RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 11/8/2016 Staff confirmed erosion control notes on sheet 1 Site Plan Erosion Control Notes In construction permits, 13CP02049, 13CP02068, 13CP02065. This condition is met.

11/8/2016 3:32:07PM

MONTANOR

### 8. CALIFORNIA CONSTRUCTION GENERAL PERMIT

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a WDID# certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a WDID# certifying the project is covered under the California Construction General Permit.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 4/24/2015 RMA-Environmental Services received a WDID number: 3 27C372575 and verified it on the State Water Board SMARTS website. (Emily Lomeli, RMA-Environmental Services, X.5681)

11/8/2016 3:32:07PM

MONTANOR

Condition Compliance Status Report for PLN140432

9. INSPECTION-PRIOR TO LAND DISTURBANCE

**Current Status:** Met  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading, erosion control, and stormwater regulations. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

**Comments By Staff** **Last Update on:** **Updated By:**  
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10/15/2015 11/8/2016 3:32:07PM MONTANOR

*RMA-Environmental Services attended a pre-construction meeting on 04/21/2015 to review the Erosion Control Plan and proposed construction schedule.  
(Emily Lomeli, RMA-Environmental Services, x.5681)*

11. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Current Status:** On-Going  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

**Comments By Staff** **Last Update on:** **Updated By:**  
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11/8/2016 3:32:07PM MONTANOR

**Condition Compliance Status Report for PLN140432**

**12. MM #1 & #2 - WORKER ENVIRONMENTAL AWARENESS PROGRAM**

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A qualified biologist shall prepare and present a Worker Environmental Awareness Program (WEAP) to train all project staff regarding habitat sensitivity, identification of special status species, required practices, and limits of work. The training shall include a brief review of the biology of sensitive species known or with potential to occur on the project site (including but not limited to California Red Legged Frog (CRLF), Monterey large-eared woodrat, white-tailed kite, Cooper's hawk and nesting birds and raptors), the general measures that are being implemented to conserve these species as they relate to the project, guidelines to avoid impacts to these species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers on-site. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures. The applicant shall provide a copy to the RMA-Planning Department. The WEAP must contain the following specific information regarding CRLF: photographs describing and illustrating potentially occurring CRLF; a discussion of measures to be implemented for avoidance of the special status species and the identification of an on-site contact on in the event of the discovery of sensitive species on the site. Training shall be also be conducted for new personnel before they join construction activities. The contractor shall be responsible for ensuring that all personnel working on-site comply with the guidelines.

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction, the applicant shall provide a copy of written materials to be provided to employees as part of the WEAP training to the RMA-Planning Department. Prior to new construction employees beginning work, the project biologist/ecologist shall conduct WEAP training for new employees and documentation (sign-in sheets) as described above shall be provided to the RMA-Planning Department no later than the end of the following month.

**Comments By Staff**

**Last Update on:**      **Updated By:**

*On 4/3/2015 agent submitted evidence (sign in sheets) demonstrating attendance for the biologist/ecologist conduct WEAP training for new employees. The condition is partially met. Ramon Montano, Assistant Planner.*

11/8/2016 3:32:07PM

MONTANOR

*On 4/3/2015 agent submitted a copy of the WEAP training to materials the RMA-Planning*

## Condition Compliance Status Report for PLN140432

### 13. MM # 3 - INVASIVE SPECIES MINIMIZATION

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** In order to minimize potential biological impacts to native plant and animal resources and habitat, prior to the issuance of a grading permit, the applicant shall prepare a planting/restoration plan for the areas that will be naturalized to be submitted to the RMA-Planning Department for review and approval. The plan shall be developed in consultation with a qualified biologist and arborist and shall include the following at a minimum: 1) utilize locally sourced plants or seeds that are native to the immediate area; 2) utilize topsoil from forested and naturally vegetated areas which are being converted to irrigated turf; 3) include a plan for eradication of aggressive non-native species including but not limited to French broom (*Genista monspessulana*) and Myoporum (*Myoporum laetum*); and 4) monitoring for a period of a minimum of five (5) years to ensure that the plantings are thriving. The restoration shall be considered successful when replacement requirements for trees (see measure BIO-12) are met and 80 percent of other planted native vegetation have survived and are evaluated by the project biologist and project arborist as being in good health. Further invasive non-native species shall occupy less than 10 percent of restored areas and cover of these shall be in decline as illustrated by cover data trends for the monitoring period. In the event of loss of plant materials due to mortality, the plants shall be replaced and the monitoring shall begin again. The approved planting/restoration plan shall be implemented prior to final inspection.

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction, the applicant shall provide a copy of the planting/restoration plan for areas that will be converted to native/naturalized vegetation and the invasive species management plan to the RMA-Planning Department for review and approval.

Prior to final inspection, the applicant shall provide a report documenting that restoration planting and invasive species measures have been implemented.

The applicant/owner shall submit a monitoring report prepared by a qualified biologist once per year for a minimum of five (5) years, beginning one year after initial installation is complete. The monitoring report shall include an evaluation of the health status of the plantings and recommendations regarding measures to improve the success of the plantings if they are not thriving. Tree survival reports as required by measure BIO-12 can be submitted as part of this report or separately depending on how restoration plantings are managed. The applicant/owner shall implement recommendations made in annual monitoring reports. The requirement for monitoring reports shall end after five (5) years or whenever the required success rate of 80 percent survival for replanted vegetation other than trees, and 90 percent eradication of non-native species has been met, whichever occurs later

*Comments By Staff*

*Last Update on:*

*Updated By:*

**Condition Compliance Status Report for PLN140432**

*This condition is on-going for a period of five (5) years, monitoring reports shall end after five (5) years or whenever the required success rate of 80 percent survival for replanted vegetation other than trees, and 90 percent eradication of non-native species has been met. Ramon Montano, Assistant Planner.*

11/8/2016 3:32:07PM

MONTANOR

*The plans were approved on 9/23/2015. This condition is partially met. Ramon Montano, Assistant Planner.*

*On 4/13/2015, Agent submitted Final Restoration and Monitoring Plan, with photos and site plans. This condition is met. Ramon Montano, Assistant Planner.*

*On 4/3/2015 agent submitted a copy of the planting/restoration plan for areas that will be converted to native/naturalized vegetation and the invasive species management plan. Ramon Montano, Assistant Planner.*

**14. MM # 4 - MINIMIZATION OF IMPACTS ON DUSKY-FOOTED WOODRAT**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall consult with the California Department of Fish and Wildlife (CDFW) on the current taxonomy and conservation status of woodrats on the Peninsula. The applicant shall provide documentation from CDFW regarding the taxonomy and conservation status of woodrats in the project area, and any required avoidance and minimization practices for removal of woodrat middens and relocation of woodrats.

If the applicant does not obtain written documentation from CDFW, the project biologist shall survey for presence of woodrat middens. If middens are discovered, they shall be dismantled slowly using a long-handled pitchfork or layer by layer with a small piece of heavy equipment, to allow any wood rats present in the midden to escape unhindered. Midden materials shall be placed at the edge of the disturbance area to allow salvage and reuse by the relocated woodrat individuals.

**Compliance or Monitoring Action to be Performed:** Prior to removal of native or naturalized brushy or woody vegetation the applicant shall provide evidence of consultation with the CDFW or shall provide the results of the biologist's survey and recommendations.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*On 4/9/2015 agent submitted the results of the biologist's field report for presence of woodrat middens. The report prepared by Jeffrey B. Froke, Ph.D., was negative therefore no mitigation are necessary. The condition is met. Ramon Montano, Assistant Planner*

11/8/2016 3:32:07PM

MONTANOR

Condition Compliance Status Report for PLN140432

15. MM #5 - PRE-DISTURBANCE SURVEYS FOR CRLF

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pre-disturbance Surveys for CRLF. Prior to renovation activities at Hole 15, implementation of the proposed restoration, and other actions immediately adjacent to drainages, a qualified biologist shall perform two pre-disturbance surveys within suitable CRLF habitats at the restoration site to determine if the species is present. The surveys shall consist of one nighttime or 'eye shine' survey and one daytime survey, to be completed within 48 hours prior to start of construction activities in or immediately adjacent to suitable habitat (ponds, drainages, and wetlands). If this species is not detected during the survey(s), then CRLF Avoidance Measures (BIO-6) shall be implemented and no further mitigation would be required (unless required by other permitting agencies as a condition of permits to conduct stream restoration). However, if a CRLF is found within the project site during the survey(s), project activity affecting suitable habitat shall be halted until the frog has left the work area of its own accord, and the applicant shall report the finding to USFWS within 48 hours. If a CRLF takes up residence in the work area, the applicant shall halt work, and consult with USFWS prior to continuing project activities to determine if take authorization is required, and to determine additional avoidance and minimization measures to protect CRLF, if required. Take authorization would be required to relocate individual CRLF out of the work area, and additional avoidance and minimization measures may include, but would not be limited to: full time monitoring for all activities within suitable habitat, and use of temporary exclusion fencing for activities adjacent to suitable habitat.

Compliance or Monitoring Action to be Performed: Pre-construction surveys must be conducted within 48 hours prior to construction activities within 200 feet of suitable habitat (drainages, wetlands, ponds). Results must be reported to the County before start of work in these areas.

Comments By Staff

Last Update on:

Updated By:

On 4/13/2015, Agent submitted Pre-disturbance Surveys for California Red Legged Frog, dated 4/10/2015, with photos and site plans. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

## Condition Compliance Status Report for PLN140432

### 16. MM #6 - CRLF AVOIDANCE MEASURES

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Avoidance and minimization measures shall include the following (adapted from the Programmatic Formal Endangered Species Act Consultation on Issuance of Permits under Section 404 of the Clean Water Act or Authorizations under the Nationwide Permit Program for Projects that May Affect the California Red-legged Frog issued on January 1999 by the United States Fish and Wildlife Service (USFWS). The United States Army Corp of Engineers (USACE) consults with USFWS under Section 7 of the Endangered Species Act if Section 404 permits are issued for the project, to determine if the project is covered under programmatic formal consultation through issuance of USACE permits under Section 404 of the Clean Water Act. If USACE permits are not pursued, the applicant shall consult informally with USFWS that take of federally protected species is not anticipated through implementation of the measures below.

- Work activities in or adjacent to (within 200 feet of) suitable habitat (ponds and drainages) shall be completed between April 15 and October 15.
- A USFWS-approved biologist shall be present on-site during all initial ground disturbing activities, including vegetation removal, grading, and any exclusion fence installation and removal, for renovation activities at Hole 15, course renovation activities immediately adjacent to streams, and for stream restoration activities. Once these activities have been completed, the approved biologist shall conduct periodic inspections of the work site of not less than once per week when construction activities are occurring in/adjacent to suitable habitat. Additional site visits shall occur during rain events when special status amphibians are likely to be mobile to ensure that they are not entering work areas.
- The applicant shall designate a representative who will oversee implementation of all avoidance and minimization measures when the USFWS-approved biologist is not present. This representative shall be trained by the USFWS-approved biologist in the identification of special status amphibians and in the implementation of all avoidance and minimization measures. This representative shall not have the authority to handle special status species.
- Both the applicant's representative and the USFWS-approved biologist shall have the authority to halt any action which may result in take of special status species.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near wetland habitat, drainages, or water bodies.
- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- The USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and non-native crayfish from suitable aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly.

## Condition Compliance Status Report for PLN140432

• If any federally protected species are harmed, the USFWS-approved biologist shall document the circumstances that led to harm. Unless take authorization has been obtained from USFWS, project activities shall cease until consultation with USFWS can be completed. Dead or injured special status species shall be disposed of at the discretion of USFWS. All incidences of harm shall be reported to USFWS within 48 hours.

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

Avoidance measures shall be implemented at any time that project activities require ground breaking or vegetation removal in and near (within 200 feet) streams, wetlands, or ponds. The project biologist shall submit regular monthly reports to the County summarizing implementation of avoidance measures, and any corrective actions taken, until all project activities affecting these habitat types are complete. Reports can be combined with other reporting requirements where appropriate.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 4/13/2015, Agent submitted Final Restoration and Monitoring Plan, with photos and site plans. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

**17. MM #7 - WESTERN POND TURTLE AVOIDANCE**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:**

Prior to renovation or stream restoration activities that require grading or vegetation removal within 200 feet of the ponds at any time, or within 200 feet of drainages when the drainages contain standing water, a qualified biologist shall perform western pond turtle focused surveys. If Western Pond Turtles are observed during these surveys, their locations shall be recorded and no work shall be allowed within 200 feet of these areas until the qualified biologist has determined that the animal(s) have left the area on their own, or the qualified biologist has relocated the animal(s) to a safe location with suitable habitat.

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

Surveys must be completed within 48 hours prior to commencing activities that require grading or vegetation removal within 200 feet of ponds, drainages, or wetlands. Results of the survey and any additional monitoring needs must be submitted to the County prior to commencing construction work.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 6/9/2015, Agent submitted Biological Pre-Activity Surveys and Construction Phase Compliance Monitoring Status letter report. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

Condition Compliance Status Report for PLN140432

18. MM #8 - GROUND DISTURBANCE AVOIDANCE DURING NESTING SEASON

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Direct disturbance (clearing/grading/vegetation removal) to nesting habitat shall be conducted outside of the breeding season between September 16 and January 31 to the greatest extent possible. Early removal of nesting structures shall prevent mated pairs from nesting in areas subject to disturbance.

Compliance or Monitoring Action to be Performed: Surveys must be completed within 14 days prior to ground disturbance or tree removal. Results must be provided to the County RMA – Planning Department prior to commencing activities. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

Comments By Staff

Last Update on:

Updated By:

On 4/10/2015, Agent submitted the initial Pre-construction Nesting Bird Surveys, dated 4/10/2015, with photos and site plan. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

**Condition Compliance Status Report for PLN140432**

**19. MM #9 - PRE-CONSTRUCTION NESTING BIRD SURVEYS**

**Current Status:** **Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** For project activity that occur during the nesting season (between February 1 and September 15), the applicant's qualified biologist shall conduct a nesting bird survey not more than 14 days prior to any ground disturbance, removal of trees or other vegetation. The survey must include a buffer of 500 feet, as accessible, into adjacent vegetation to identify common and special raptor nests in close proximity to work areas. If no active nests are present, then activities can proceed as scheduled. If an active nest is detected during the survey, then the establishment of a protective buffer zone from each active nest (typically 500 feet for special status birds of prey, 300 feet for other raptors and special status passerine species, and 50-100 feet for common native passerine species and waterfowl) shall be established by the qualified biologist, in consultation with CDFW if special status species are involved, and all work within this buffer shall be avoided until a qualified biologist determines that juvenile bird (s) have fledged or the nest has otherwise become inactive. Buffer zones vary depending on the nesting bird species and type of work proposed and may be reduced through consultation with CDFW. The buffer zone shall be clearly delineated to avoid disturbance to nesting birds. Depending on their proximity to disturbance areas, buffer zones may be designated in the field in various ways, including flagging, fencing, and/or signage.

**Compliance or Monitoring Action to be Performed:** Surveys must be completed within 14 days prior to ground disturbance or tree removal. Results must be provided to the County RMA – Planning Department prior to commencing activities. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*On 4/10/2015, Agent submitted the initial Pre-construction Nesting Bird Surveys, dated 4/10/2015, with photos and site plan. This condition is met. Ramon Montano, Assistant Planner.*

11/8/2016 3:32:07PM

MONTANOR

**Condition Compliance Status Report for PLN140432**

<b>20. MM #10 - SENSITIVE HABITAT PROTECTION</b>
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**Current Status:** On-Going  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to commencement of course renovation activities, limits of work shall be identified in the field through use of highly visible stakes, flagging, or fencing, and sensitive habitats shall be avoided. A qualified biologist or ecologist must verify limits of work are marked clearly in the field, and are properly placed, particularly for activities that require removal of native or naturalized (non-maintained or landscaped) vegetation, or that occur immediately adjacent to woodland, dune, riparian, wetland, or stream habitats. Where trees are immediately adjacent to work areas, the project arborist or forester shall also be consulted, as noted in measure BIO-13.

**Compliance or Monitoring Action to be Performed:** The project biologist shall submit regular monthly reports to the County summarizing implementation of sensitive habitat avoidance measures, and any corrective actions taken. Reports can be combined with other reporting requirements where appropriate.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
<p><i>This condition is on-going during the life of the permit. As of XXXXXX All activities have been suspended on the restoration of the creek until released by the Army Corps, USFW and CDFW.(see memo from applicant in documents module). Ramon Montano, Assistant Planner.</i></p> <p><i>On 5/X/2016 agent submitted final report with monthly summarizing implementation of sensitive habitat avoidance measures. This condition is partially met. Ramon Montano, Assistant Planner.</i></p> <p><i>On 4/10/2015, Agent submitted Coastal Fence Exhibit, with site plans. This condition is partially met. Ramon Montano, Assistant Planner.</i></p>	11/8/2016 3:32:07PM	MONTANOR

## Condition Compliance Status Report for PLN140432

**21. MM #11 - WETLAND & STREAM HABITAT RESTORATION**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Temporary impacts to jurisdictional wetland and stream habitat shall be mitigated through restoration activity as established through the permitting process with California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and United States Army Corp of Engineers (USACE), but at a minimum ratio of not less than 1 to 1 (acres impacted to acres restored), such that for each acre of temporary impacts to wetlands, one acre of wetlands will be restored to pre-project condition or better, and for each acre of non-wetland stream habitat impacted, one acre of stream habitat shall be restored to pre-project condition or better. Restoration shall be consistent with the prepared Restoration and Monitoring Plan developed for the project, or as modified by agency permit requirements. If modifications to the Restoration Plan are made, the revised plan shall be submitted to the County RMA – Planning Department. The Plan shall be implemented for no less than five (5) years or until Monterey County and/or the permitting authority (e.g., CDFW, USACE, RWQCB) has determined that restoration has been successful. The applicant shall submit monitoring reports to the County for all years in which monitoring actions are conducted. The final restoration plan shall be submitted to Monterey County and/or CDFW for review prior to implementation of the plan.

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction, the applicant shall provide a copy of the final stream Restoration and Monitoring Plan to the RMA-Planning Department for review and approval.

Prior to final inspection, the applicant shall provide a report documenting that stream restoration actions have been implemented.

The applicant/owner shall submit a monitoring report prepared by a qualified biologist once per year for a minimum of five (5) years, beginning one year after initial installation is complete. The monitoring report shall include an evaluation of restoration success according to criteria outlined in the Restoration and Monitoring Plan. The applicant/owner shall implement recommendations made in annual monitoring reports. The requirement for monitoring reports shall end after five (5) years or whenever the required success criteria are met.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. As of XXXXXX All activities have been suspended on the restoration of the creek until released by the Army Corps, USFW and CDFW.(see memo from applicant in documents module). Ramon Montano, Assistant Planner.*

11/8/2016 3:32:07PM

MONTANOR

*On 4/13/2015, Agent submitted Final Course Restoration and Monitoring Plan, with photos and site plans. This condition is met. Ramon Montano, Assistant Planner.*

Condition Compliance Status Report for PLN140432

22. MM #13 - TREE PROTECTION

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize root disturbance, trunk damage, and other detrimental effects to CRPR 1B Monterey Pine and protected native oaks that would not be removed by the project, the following tree protection measures shall be implemented:

1. For trees that would be retained and are located adjacent to project impact areas, prior to any grading activities, tree protection measures shall be installed and approved by the project arborist/forester. Tree protection fencing shall consist of 4-foot-tall orange mesh safety fencing firmly attached to 6-foot-tall steel fence posts driven a minimum of 14 inches into the ground. The protection fencing locations shall be included in the project construction site plans and staked on the ground.
2. Fencing shall be limited to areas within 100 feet of trees where grading is planned unless otherwise required by the project arborist/forester. In general, the fencing shall follow the canopy driplines (which would encompass the Critical Root Zone and Tree Protection Zone) of the retained trees and native vegetation to prevent tree damage and soil compaction. Where equipment might be operating close to the tree trunks, the trunk and any low branches subject to potential damage shall be wrapped with straw wattles and firmly tied. No attachments to the trees are allowed.
3. Tree protection measures shall remain intact and effective for the duration of all construction activities. The project arborist/forester shall monitor the site weekly during construction activities to ensure protection measures remain in place. If special needs require temporary removal of the fencing, it shall be under the direction of and monitored by the project arborist/forester.
4. Should structural pruning (of limbs four [4] inches or greater in diameter) or crown raising be required by the project, it shall be completed prior to the installation of the fencing and under the direct supervision of the project arborist /forester. Pruning shall be completed by a licensed tree care contractor with properly trained personnel.
5. Root impacts on roots over two (2) inches in diameter shall be reduced by cutting them cleanly and sealing with a paint or root sealer to prevent decay. Exposed roots shall be kept moist until backfill is installed. If roots are anticipated to be exposed for more than 24 hours, they shall be covered with wet burlap or other similar material to avoid desiccation.
6. Soils shall not be deposited around or over any trees in the project area.
7. The project arborist/forester shall prepare a written log for site visit monitoring activities and will communicate to the contractor's superintendent any follow-up measures to be undertaken to protect trees during construction.

Compliance or Monitoring Action to be Performed: Prior to the start of construction, the applicant shall provide documentation that a project arborist/forester has been retained.

The project arborist/forester shall provide regular monitoring reports and copies of monitoring logs on a monthly basis during construction.

Comments By Staff

Last Update on:

Updated By:

## Condition Compliance Status Report for PLN140432

On 3/30/2015, agent submitted a contract with a Osterling Consultants, Inc., photos and site plan showing tree protection in place approved by a registered Forester. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

**23. MM #14 - CULTURAL (PREHISTORIC) RESOURCE PROTECTION**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A qualified archaeological monitor shall identify the general areas containing potential historical resources. The archaeological monitor shall be present during excavation and grading for the areas of the identified potentially significant cultural resources. The monitor shall be authorized to halt work to examine any potentially significant archaeological/cultural resources that may be exposed by the grading. If the find is determined to be significant, work shall remain halted in that area until appropriate measures are identified and implemented to protect the resources.

**Compliance or Monitoring Action to be Performed:** Areas containing potential historical resources shall be identified by the archaeologist before grading.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On DATE, NAME submitted a letter from Archaeologist stating no cultural resources were found during the construction. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

On 4/6/2015, agent submitted the executed contract from Archaeological Consulting dated 4/3/2015 updated report and plans indicating the stock pile locations were out of the Archaeologically sensitive areas. This condition is partially met. Ramon Montano, Assistant Planner.

**Condition Compliance Status Report for PLN140432**

**24. MM #15 - CULTURAL (ARCHAEOLOGICAL) RESOURCE PROTECTION**

**Current Status:** Met

**Responsible Department:** Planning Department

**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 the discovery.

**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.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 4/17/2015, the construction permit 13CP02047 was issued not on plans, sheet 1. This condition is met. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

**25. MM #16 - TRUCK CIRCULATION SCHEDULE**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** There shall be no truck circulation related to the project between the hours of 7-9 am and 4-6 pm in the following areas: 1) on the segment of Highway 68 (Holman Highway) between the Morse Drive entrance to Pebble Beach and the Highway 68/Highway 1 intersection; and 2) on the segment of Highway 1 between Highway 68 and the City of Seaside. Sand hauling truck traffic into the site and exiting truck traffic shall be scheduled accordingly.

**Compliance or Monitoring Action to be Performed:** The truck circulation schedule shall be maintained during the duration of the sand hauling operations.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 3/27/2015, agent submitted three copies of the Sand Hauling Construction Management Plan. This mitigation is partially met and remain ongoing for the duration of the project. This allows permit 15CP0707 to be issued allowing the transportation and deposit of sand materials in approved stockpile areas. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR

Condition Compliance Status Report for PLN140432

26. MM #17 - CONSTRUCTION MANAGEMENT PLAN FOR SAND IMPORTATION

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a construction management plan including the following:  
1) Between the Morse Drive entrance to Pebble Beach and the project site, truck drivers shall be instructed to utilize Morse drive, Congress Road and Bird Rock Road to access and egress the site; 2) any sand stockpile that may be necessary shall be located at a minimum of 250 feet from any road right-of-way to allow sufficient truck maneuvering areas and to avoid queue spillover onto the roads; and 3) traffic control signs shall be installed at and near the golf course access points for the sand hauling operation during the duration of the project:  
a) "Truck Entrance" warning signs on Sloat Road, Bird Rock Road and other roads utilized to access the golf course;  
b) A special sign providing a phone number for persons with questions, problems or complaints. The special sign is recommended to read "Monterey Peninsula Country Club Renovation. We want to be good neighbors. If you have any questions or problems, call (831) 372-1479."

**Compliance or Monitoring Action to be Performed:** The location of the signs shall be approved and the signs located prior to and throughout the duration of the sand hauling operation.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 3/27/2015, agent submitted three copies of the Sand Hauling Construction Management Plan. This mitigation is partially met and remain ongoing for the duration of the project. This allows permit 15CP0707 to be issued allowing the transportation and deposit of sand materials in approved stockpile areas. Ramon Montano, Assistant Planner.

11/8/2016 3:32:07PM

MONTANOR



# Monterey County Resource Management Agency Planning Department

## Condition Compliance Status Report for PLN060703

(as of 11/18/2016)

### 1. PD001 - SPECIFIC USES ONLY

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN060703) allows the holding of 10 events at the Library site with attendance of up to 300 people per event, as well as the addition of an attached 144 square foot restroom and the construction of two, 5,000-gallon water storage tanks and water system improvements at the Henry Miller Memorial Library located at 48603 Highway 1 (Assessor's Parcel Number 420-181-006-000), Big Sur Coast Land Use Plan. The Permit also allows a lot line adjustment to adjust the property boundary between the Henry Miller Library Parcel and the adjacent Gill Parcel to increase the size of the 0.63 acre Library parcel to 0.67 acres and decrease the size of the Gill parcel from 30.06 acres to 30.02 acres. 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 ongoing basis unless otherwise stated.

**Comments By Staff**

**Last Update on:**

**Updated By:**

7/20/2015 10:30:59AM

FRIEDRICHM

Condition Compliance Status Report for PLN060703

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit (Resolution Number 15-013) was approved by the Planning Commission for events and certain physical improvements at the Henry Miller Memorial Library parcel (Assessor's Parcel Number 420-181-006-000) on January 28, 2015. The Permit included a Lot Line Adjustment with the adjacent Gill Parcel (Assessor's Parcel Number 420-191-010-000). The permit was granted subject to 16 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 building permits or commencement of the use. (RMA - Planning)

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

Comments By Staff

Last Update on:

Updated By:

On 10/7/15 the Permit Approval Notice was recorded as Document No. 2015057473 to satisfy this condition by Stacy Giles, for Luis Osorio

10/8/2015 10:05:33AM

GILESS

On 4/9/15 the Permit Approval Notice was mailed to the agent by Melissa McDougal

## Condition Compliance Status Report for PLN060703

<b>3. PD004 - INDEMNIFICATION AGREEMENT</b>
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**Current Status:** **Met**

**Responsible Department:** Planning Department

**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. (RMA - Planning)

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

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/7/15: the Indemnification Agreement was recorded as Document No. 2015057471 to satisfy this condition by Stacy Giles, for Luis Osorio

10/8/2015 10:07:55AM

GILESS

10/2/15: the Indemnification Agreement was brought to the front counter for Agent pick up (Stacy Giles)

10/2/15: Document signed by Mike Novo, notarized by Linda Rotharmel and delivered to Stacy Giles. (Linda Rotharmel)

On 10/1/15: the Indemnification Agreement was brought to Mike Novo to review (by Stacy Giles)

On 9/28/15: the Indemnification Agreement was brought to County Counsel for review (by Stacy Giles)

On 4/9/15 the Indemnification Agreement was mailed to the agent by Melissa McDougal

## Condition Compliance Status Report for PLN060703

### 4. Mitigation Measure No.1 - Traffic Hazards

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** In order to prevent hazards to vehicles on the highway from vehicular access to and from the site during the 10 permitted events, the applicant shall contract with the California Highway Patrol to direct vehicular access and egress before and after events.

**Compliance or Monitoring Action to be Performed:** The applicant shall provide proof of such contract to the Director of RMA-Planning in January of every year for a period of five years after approval of the Combined Development Permit

#### Comments By Staff

**Last Update on:**

**Updated By:**

On July 22, 2015 Applicant has submitted evidence (e-mail from Officer Christopher Pia, dated January 25, 2015) of initial consultation with the Highway Patrol as to the provision of Highway Patrol support during the 10 allowed events.

2/23/2016 10:30:11AM

OSORIO

### 5. MITIGATION MEASURE No. 2 - VEHICLE/PEDESTRIAN HAZARDS

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** In order to minimize the likelihood that event attendees park alongside the road, and to prevent hazards from potential vehicle-pedestrian conflicts, the applicant shall prepare and submit to Caltrans and the County of Monterey RMA, subject to the County's approval, a vehicle parking plan and shuttle plan for attendees to the 10 permitted events under the Combined Development Permit. The plan shall identify and include: 1) parking locations providing a minimum of 50 off-site parking spaces; 2) shuttle transportation service to and from the Library site at the time of the events; and 3) proof that the off-site vehicle parking locations are available exclusively for use at the dates and times of the approved events.

**Compliance or Monitoring Action to be Performed:** The parking and shuttle plan shall be submitted to Caltrans and RMA-Planning and be approved prior to the first event following approval of the Combined Development Permit.

The applicant must provide proof through the provision of a legally-binding contract with the owners of the off-site parking locations, that the off-site vehicle parking locations are available.

The Plan and verification of the use of off-site parking locations must be submitted in January of every year.

#### Comments By Staff

**Last Update on:**

**Updated By:**

On April 28, 2015, Applicant submitted shuttle plan including off-site parking at the Carmel Center Place parking lot next to the Crossroad Shopping Center. On July 28, 2015, applicant e-mailed advertising of event including the use of the off-site parking and the use of a shuttle to transport event attendants to the library site. Documentation is in the file.

2/23/2016 10:36:42AM

OSORIO

Condition Compliance Status Report for PLN060703

6. CONSTRUCTION MANAGEMENT PLAN - WATER TANKS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall submit a detailed Construction Management Plan for the installation of the two proposed water storage tanks. The Plan shall include an erosion control and stormwater management plan. The applicant shall also provide proof of access to the site of the tanks through the neighboring property.

Compliance or Monitoring Action to be Performed:

Comments By Staff

Last Update on:

Updated By:

2/2/2015 10:56:46AM

OSORIOL

**Condition Compliance Status Report for PLN060703**

**7. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN**

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

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

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/7/15: the Agreement to Implement a Condition of Approval / Mitigation Monitoring And Reporting Plan was recorded as Document No. 2015057474 to satisfy this condition by Stacy Giles, for Luis Osorio

10/8/2015 10:07:04AM

GILESS

10/2/15: the Agreement to Implement a Condition of Approval / Mitigation Monitoring And Reporting Plan was brought to the front counter for Agent pick up (Stacy Giles)

10/2/15: Document signed by Mike Novo, notarized by Linda Rotharmel and delivered to Stacy Giles. (Linda Rotharmel)

On 10/1/15 the Agreement to Implement a Condition of Approval / Mitigation Monitoring And Reporting Plan was brought to Mike Novo to review (by Stacy Giles)

On 9/28/15 the Agreement to Implement a Condition of Approval / Mitigation Monitoring And Reporting Plan was brought to County Counsel for review (by Stacy Giles)

Condition Compliance Status Report for PLN060703

8. PD045 - COC (LOT LINE ADJUSTMENTS)

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

*Comments By Staff*

*Last Update on:*

*Updated By:*

2/2/2015 10:56:46AM

OSORIOL

9. EHSP01DRINKING WATER SURFACE WATER TREATMENT RULE SYSTEM

**Current Status:** Not Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** EHSP01 - DRINKING WATER SURFACE WATER TREATMENT RULE SYSTEM  
Design a water treatment system that meets all standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations Water Supply Standards for the treatment of the Surface Water Treatment Rule. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to installing the surface water treatment system, submit engineered plans for the water treatment system and any associated fees to Environmental Health Bureau for review and approval.

*Comments By Staff*

*Last Update on:*

*Updated By:*

2/2/2015 10:56:46AM

OSORIOL

Condition Compliance Status Report for PLN060703

10. EHSP03 PORTABLE TOILETS

**Current Status:** On-Going  
**Responsible Department:** Health Department  
**Condition/Mitigation Monitoring Measure:** EHSP03 - PORTABLE TOILETS  
Pursuant to Monterey County Code Chapter 15.20.050, an adequate number of portable toilets shall be provided and maintained so as not to create a public nuisance and shall be serviced and cleaned by a permitted liquid waste hauler. Portable units shall provide hand washing facility. During special events, a minimum of 1 portable toilet per 40 people shall be supplied. (Environmental Health)  
**Compliance or Monitoring Action to be Performed:** Provide an adequate number of portable toilets for special events. Submit copy of service contract to the Division of Environmental Health. (Continuous condition)

Comments By Staff

Last Update on:

Updated By:

2/2/2015 10:56:46AM

OSORIOL

11. EHSP02 NEW WATER SYSTEM PERMIT

**Current Status:** Not Met  
**Responsible Department:** Health Department  
**Condition/Mitigation Monitoring Measure:** EHSP02 - NEW WATER SYSTEM PERMIT  
Pursuant to Monterey County Code Chapter 15.04, Domestic Water Systems, obtain a new water system permit from the Environmental Health Bureau. (Environmental Health)  
**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, submit necessary application, reports and testing results to Environmental Health Bureau for review and approval.

Comments By Staff

Last Update on:

Updated By:

2/2/2015 10:57:24AM

OSORIOL

## Condition Compliance Status Report for PLN060703

### 12. EHSP04 ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** EHSP04 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN  
Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permit, submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Also submit new design plans showing new wastewater system location. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

*Comments By Staff*

*Last Update on:*

*Updated By:*

2/2/2015 10:57:24AM

OSORIOL

### 13. EHSP05 FOOD PERMITS FOR SPECIAL EVENTS

**Current Status:** On-Going

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** EHSP05 - FOOD PERMITS FOR SPECIAL EVENTS  
In the event that food and/or beverages are intended to be served at a special event that is not catered by a business with a current health permit from the Environmental Health Bureau (EHB), the property owner shall apply for a temporary food facility permit from EHB and comply with all conditions of that permit, pursuant to California Health and Safety Code, Division 104, Part 7, Chapter 1 (California Retail Food Code). [Environmental Health]

**Compliance or Monitoring Action to be Performed:** The property owner shall ensure that any caterer serving food and/or beverages at a special event have a current health permit from the Environmental Health Bureau (EHB). Or Obtain a temporary food facility permit from EHB. (Continuous condition)

*Comments By Staff*

*Last Update on:*

*Updated By:*

2/2/2015 10:57:24AM

OSORIOL

Condition Compliance Status Report for PLN060703

14. EHSP06 - ALTERNATIVE OWTS REQUIRED (Non-Standard)

**Current Status:** On-Going  
**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The Environmental Health Bureau (EHB) has determined that the existing onsite wastewater treatment system (OWTS) is adequate to serve the proposed use. Due to limited area available on site, if the OWTS that is currently in place should fail, an alternative OWTS will be required to be designed and installed by certified professionals prior to use of the Henry Miller Memorial Library for daily use or special events.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the applicant shall submit a letter to EHB confirming that the non-profit agency -Henry Miller Memorial Library- understands that an alternative OWTS will be required for any future OWTS repair or upgrade. This letter will be maintained on file with EHB for reference during any future OWTS repairs or upgrades.

Comments By Staff

Last Update on:

Updated By:

2/2/2015 10:57:24AM

OSORIO L

15. PD032(A) - PERMIT EXPIRATION

**Current Status:** On-Going  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on January 28, 2018. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

Comments By Staff

Last Update on:

Updated By:

2/23/2016 10:25:43AM

OSORIO L

Condition Compliance Status Report for PLN060703

16. PD - ALLOWED EVENTS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The yearly events allowed at the Henry Miller Memorial Library are as follows:  
1. All activities at the Library including up to 120 attendees are allowed as part of the regular use of the Library.  
2. 10 events per year with up to 300 attendees with the use of portable toilets as required by the County Code, the use of 26 on-site parking spaces, demonstration that 50 off-site parking spaces are available at the time of the events and the use of a shuttle to transport attendees from the Monterey peninsula and elsewhere.

Compliance or Monitoring Action to be Performed: Conduct yearly events per the specific prescriptions of the Condition.

Provide verification of the use shuttle service in January of every year.

For the first year after approval of the Combined Development Permit, verification shall be provided before the date of the first event requiring the use of the shuttles.

Comments By Staff

Last Update on:

Updated By:

2/2/2015 10:57:24AM

OSORIOL



**Monterey County Resource Management Agency  
Planning Department**

**Condition Compliance Status Report for PLN120294**

(as of 11/18/2016)

## Condition Compliance Status Report for PLN120294

<b>1. PD001 - SPECIFIC USES ONLY</b>
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**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Use Permit to allow the construction of a 280 Megawatt solar generating facility on an approximately 3,000 acre site including: photovoltaic (PV) solar modules, pad mounted inverters and transformers, two substations (approximately 6 acres each), a switching station (approximately 6 acres), a 4,000 square foot operations and maintenance building, an approximately 155 acre utility corridor, other infrastructure needed to serve the proposed project and grading of approximately 880,000 cubic yards of cut and 880,000 cubic yards of fill; and a the request to enter into a Development Agreement in accordance with Monterey County Code section 18.62 was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. California Flats Solar, LLC and its successor and is the "owner" and "applicant" for purposes of these conditions unless otherwise specified. Owner/applicant shall obtain permission from the landowner to record on the subject property any documents that the conditions of approval require. The property is located in the southeastern corner of Monterey County, southeast of Parkfield, east of Turkey Flats Road and north of State Highway 46 (Assessor's Parcel Numbers 143-011-001-000, 143-011-002-000, 143-011-003-000, 143-011-004-000, 143-011-007-000, 143-011-008-000, 143-011-012-000, 143-011-023-000, 143-011-024-000, 143-011-025-000, 423-191-037-000, 423-191-038-000, 423-191-039-000, 424-181-012-000, 424-181-013-000, 424-181-014-000, 424-181-015-000, 424-181-016-000, 424-181-018-000, 424-181-035-000, 424-181-036-000, 424-181-037-000, 424-181-038-000, 424-191-015-000, 424-191-016-000, 424-201-007-000, 424-201-009-000, 424-201-010-000, 424-201-011-000, 424-211-001-000, 424-211-004-000, 424-211-024-000, and 424-211-025-000] South County Area Plan. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.  
(RMA - Planning Department)

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

07/29/2015 - Assessor's Parcel Numbers corrected. See memo to Clerk of the Board dated 07/29/2015.

9/7/2016 1:37:59PM

ONCIANOJ

This condition is on-going during the life of the permit. (Laura Lawrence, RMA Services Manager)

## Condition Compliance Status Report for PLN120294

<b>2. PD002 - NOTICE PERMIT APPROVAL</b>
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**Current Status:** **Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 15-027) was approved by Board of Supervisors for Assessor's Parcel Numbers 143-011-001-000, 143-011-002-000, 143-011-003-000, 143-011-004-000, 143-011-007-000, 143-011-008-000, 143-011-012-000, 143-011-023-000, 143-011-024-000, 143-011-025-000, 423-191-037-000, 423-191-038-000, 423-191-039-000, 424-181-012-000, 424-181-013-000, 424-181-014-000, 424-181-015-000, 424-181-016-000, 424-181-018-000, 424-181-035-000, 424-181-036-000, 424-181-037-000, 424-181-038-000, 424-191-015-000, 424-191-016-000, 424-201-007-000, 424-201-009-000, 424-201-010-000, 424-201-011-000, 424-211-001-000, 424-211-004-000, 424-211-024-000, and 424-211-025-000 on February 10, 2015. The permit was granted subject to 98 conditions of approval, including 85 mitigation measures, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 1/8/2016, staff submitted a copy of the recorded notice; recorded on 1/8/2016; Doc #: 2016001285. This condition is met. Ramon Montano, Assistant Planner. me

9/7/2016 1:36:42PM

ONCIANOJ

07/29/2015: Assessor's Parcel Numbers corrected. See memo to Clerk of the Board dated 07/29/2015.

3/27/2015: Edited drafts returned from Koryn Kendall, First Solar, Inc.; sent to Wendy Strimling in County Counsel on 3/30/2015 for review and approval.

3/12/2015: A draft Permit Approval Notice was sent to Koryn Kendall, First Solar, Inc., for internal review and review by the landowner. (Laura Lawrence, RMA Services Manager)

**Condition Compliance Status Report for PLN120294**

**3. PD004 - INDEMNIFICATION AGREEMENT**

**Current Status:** Met

**Responsible Department:** Planning Department

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

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

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

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
<p>On 1/8/2016, staff submitted a copy of the recorded notice; recorded on 1/8/2016; Doc #: 2016001286. This condition is met. Ramon Montano, Assistant Planner.</p> <p>3/27/2015: Edited drafts returned from Koryn Kendall, First Solar, Inc.; sent to Wendy Strimling in County Counsel on 3/30/2015 for review and approval.</p> <p>3/12/2015: A draft Indemnification Agreement was sent to Koryn Kendall, First Solar, Inc., for internal review and review by the landowner. (Laura Lawrence, RMA Services Manager)</p>	<p>4/18/2016 4:13:54PM</p>	<p>MONTANOR</p>

## Condition Compliance Status Report for PLN120294

### 4. EHSP01 - DECLARATION FOR A NON-PUBLIC WATER SYSTEM (NON-STANDARD)

**Current Status:** Not Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The proposed project does not meet the current definition of a public water system pursuant to California Health and Safety Code, section 116275(h). The applicant shall submit a completed 'Declaration for a Non-Public Water System'; form available from the Environmental Health Bureau, for review and approval by the Environmental Health Bureau and County Counsel. Once approved, sign before a Notary Public and have the document recorded with the County of Monterey Recorder's Office. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** If and when the number of individuals with access to the water from the FJ West well (well permit # e 024859) reaches 25 then a public water system permit shall be required from the Environmental Health Bureau.

Prior to commencement of operations:

- Obtain draft declaration from EHB.
- Submit completed declaration to EHB and County Counsel for review and approval.
- Record notarized Declaration for a Non-Public Water System deed notification.
- Submit evidence of recordation to EHB.

**Comments By Staff**

**Last Update on:**

**Updated By:**

01/11/16: Email sent to Montano R regarding clarification of timing for this condition.  
 EHSP01 - DECLARATION FOR A NON-PUBLIC WATER SYSTEM (NON-STANDARD)  
 For clarification, the timing on this condition is prior to commencement of operations directly related to the O&M Building.

4/18/2016 4:15:08PM

MONTANOR

### 5. EHSP02 - ENGINEERED ONSITE WASTEWATER TREATMENT SYSTEM (NON-STANDARD)

**Current Status:** Not Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit an engineered onsite wastewater treatment system plans indicating the location, design layout and size specifications that meet standards found in Monterey County Code Chapter 15.20, Onsite wastewater treatment Ordinance, and the Central Coast Basin Plan, RWQCB. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a building permit the owner/applicant shall submit onsite wastewater treatment system plans designed and wet-stamped by a CA Registered Engineer for review and approval by Environmental Health Bureau. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

**Comments By Staff**

**Last Update on:**

**Updated By:**

01/11/2016: Email sent to Montano R regarding clarification of timing for this condition.  
 EHSP02 - ENGINEERED ONSITE WASTEWATER TREATMENT SYSTEM  
 (NON-STANDARD) For clarification, the timing on this condition is prior to issuance of construction permits directly related to the O&M Building.

1/11/2016 4:17:12PM

TREFFRYPT

## Condition Compliance Status Report for PLN120294

### 6. NON STANDARD CONDITION - SECURITY AND SIGNAGE

**Current Status:** Not Met  
**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** FIRESPO2 - NON-STANDARD CONDITION SECURITY AND SIGNAGE  
Signage shall be provided indicating hazards to include but not limited to high voltage and NFPA 704 hazard classifications and areas containing hazards shall be adequately protected with fences or similar structures. (Cal-Fire South County)

**Compliance or Monitoring Action to be Performed:** Prior to requesting final building inspection applicant shall comply with this conditions and obtain fire final inspection approval.

*Comments By Staff*

*Last Update on:*

*Updated By:*

10/27/2015 5:35:22PM

ROBINSOND

### 7. NON-STANDARD CONDITION - FIRE SPRINKLER SYSTEM

**Current Status:** Not Met  
**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** FIRESPO1 - NON-STANDARD CONDITION FIRE SPRINKLER SYSTEMS  
Any building having a total floor area greater than 500 square feet shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four(4) sets of plans for fire sprinkler systems must be submitted to the fire district by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and approved prior to requesting a framing inspection. (Cal-Fire South County)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough fire sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall obtain fire department approval the final fire sprinkler inspection.

*Comments By Staff*

*Last Update on:*

*Updated By:*

10/27/2015 5:48:43PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

<b>8. WR036 - STREAM SETBACK</b>
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**Current Status:** Met

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The proposed development shall be set back at least 50 feet from the "top of bank", as defined in Chapter 16.16 of Monterey County Code. The top of bank shall be defined by a professional engineer or licensed land surveyor and shown on the site plan.

If the setback requirement cannot be met, the applicant shall prove to the satisfaction of the Water Resources Agency that the proposed development will be safe from flow-related erosion hazards and will not significantly reduce the capacity of the existing watercourse. The applicant shall submit a report, prepared by a registered civil engineer or licensed geologist, certifying the proposed development is compliant with Monterey County Code Chapter 16.16. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit cross-sections, a site plan, and applicable reports, to the Water Resources Agency for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

The Agency received an acceptable stream setback certification prepared by Edwin K. Yu, P.E., with McCarthy, Morton, & Pitalo dated September 28, 2015. The stream setback certification states the following: "For those areas where solar panels will be installed within a watercourse area, the maximum 11-year storm water velocity will not be high enough to promote any meaningful scouring where the panels will be located; Hydraulic modeling results showed that 100-year flow depths and velocities will remain essentially the same as pre-development conditions within the proposed solar array footprint. And since there will be no grading of any existing watercourse, the drainage pattern will also remain essentially the same after project construction. Refer to attached 100-year maximum velocity and scour depth exhibits for more details; Lastly, the project is not expected to cause flow related erosion hazards or otherwise aggravate flow related erosion hazards. Areas that will be disturbed will be revegetated in order to restore these areas to its existing, natural condition after construction has been completed. The widened access roadways will be stabilized and revegetated to match its surrounding natural condition".

4/18/2016 4:15:48PM

MONTANOR

- Condition met 10/8/2015.
- CCF in documents module.
- Condition cleared by Jennifer Bodensteiner, WRA, (831) 755-4860.

## Condition Compliance Status Report for PLN120294

### 9. MITIGATION MEASURE #1 - AES-1 TEMPORARY FENCING AT SR 41 STAGING AREAS

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall install opaque temporary fencing at construction staging areas within 0.5 miles of SR 41. The placement and design of temporary fencing shall be sufficient to obstruct views of any construction activities from the perspective of motorists on SR 41. Fencing shall be erected for the duration of construction activities at staging areas within 0.5 mile of SR 41.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, the Owner/Applicant shall install and maintain opaque temporary fencing in conformance with the standards set forth in the condition.

Comments By Staff	Last Update on:	Updated By:
08/03/2015: No staging areas will be located within 0.5 mile of SR 41 per McCarthy memo "Avoided Conditions of Approval" submitted 08/03/2015. See CCF9_61_97_PLN_PLN120294_080315. Condition cleared by Delinda Robinson.	10/27/2015 5:49:14PM	ROBINSOND

### 10. MITIGATION MEASURE #2 - AES-3 MINIMIZE CONSTRUCTION LIGHTING

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of construction permits, the applicant shall prepare a Construction Lighting Plan showing night lighting for construction and parking areas on construction plans and submit to the RMA – Planning Department for review and approval. Night lighting of construction and parking areas shall be minimized in both brightness and extent to the maximum extent possible, consistent with the safety needs of the facility. All lighting shall be shielded, with all direct lighting limited to within the parking or construction area, and with no upwardly directed lighting. Security lighting for construction storage areas shall also be hooded and directed down and into the site, with no off-site light trespass. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. The Plan shall include the location, type, and wattage of all external light fixtures and include catalog sheets of each fixture. The approved Construction Lighting Plan shall be incorporated into the construction plans submitted to RMA – Building Services for the project.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits, the applicant shall prepare a Construction Lighting Plan showing night lighting for construction and parking areas on construction plans and submit to the RMA – Planning Department for review and approval.

On an ongoing basis, the construction lighting shall be maintained in conformance with the standards set forth in the condition.

Comments By Staff	Last Update on:	Updated By:
08/03/2015: Acceptable temporary lighting plan for security checkpoints received. Condition is partially met. See CCF_10_PLN_PLN120294_080315. Delinda Robinson	10/27/2015 5:49:25PM	ROBINSOND
06/19/2015: Proposed temporary lighting plan submitted electronically by Tyler Potter to D Robinson. Plan includes flood lights at two security checkpoints.		

## Condition Compliance Status Report for PLN120294

### 11. MITIGATION MEASURE #3 AQ-2(A) DUST CONTROL MEASURES

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

The project applicant and/or contractor shall be responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the project applicant and/or contractor shall submit construction drawings to the Monterey County RMA – Planning Department and RMA – Building Services for review and approval that include the following measures on all plans and specifications:

- The grading plan design shall minimize the amount of disturbed area to the extent feasible;
- Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- In order to avoid long distances and associated travel time between source wells and the work area, the project applicant shall employ the use of on-site temporary pipelines, stand tanks or other measures to reduce water truck travel on unstable, disturbed surfaces;
- To best address fugitive dust proximal to workers, the project applicant shall establish clear boundaries for the assignment of dust control as between the principal EPC contractor and subcontractors. The subcontractors shall be required to maintain dust control in their work area. Maps showing each contractor's area of responsibility for dust control shall be distributed as work areas change. These maps shall be given to each water truck driver in an effort to reduce duplication of efforts while assuring full coverage. Water trucks will be assigned to specific crews or areas. In addition, each water truck driver shall be equipped with a radio to respond to any area that is experiencing dust or equipment operations that require additional dust suppression measures;
- The project applicant shall maintain a 15 mph speed limit on roads where water application is the sole form of dust control, and shall post signs to remind workers throughout the work areas. The project applicant shall monitor to ensure compliance with the speed limit. As an additional measure, all of the cart operators shall be required to complete a cart training course prior to operation of carts on site;
- Water truck operations shall adjust their spraying methods according to the conditions. For example, during windy conditions trucks should point the water spray downward. In silty soils, trucks should use light front spray followed by the heavier back spray. In clay soils, a heavy spray is applied well before traffic is expected in the area. This set of techniques shall be conveyed to new water truck operators when they arrive to the work site;
- Where access by water trucks is limited by structures or conditions, hand-operated water tanks (i.e. water buffalos) shall be used to provide dust control. Hand-operated water tanks can be used to apply water directly to the work area by crew members;
- Heavy construction equipment traveling on unstabilized roads on the project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads;
- All dirt stock pile areas shall be sprayed daily as needed;
- Permanent dust control measures identified in the proposed Habitat Restoration and Revegetation Plan [refer to Biology Mitigation Measure B-2(b)] shall be

## Condition Compliance Status Report for PLN120294

implemented as soon as possible following completion of any soil disturbing activities;

- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

### CONDITION CONTINUED BELOW

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

- All roads shall be stabilized using gravel, non-toxic chemical soil binders (e.g., latex acrylic copolymer), jute netting, or other methods approved in advance by the Monterey County RMA – Planning Department. If necessary, the Monterey County RMA – Planning Department may refer to the list of approved dust control suppressants in the SLOAPCD CEQA Air Quality Handbook Technical Appendix 4.3. For all structure pads and other areas to be paved, seeding or soil binders shall be used if construction or paving will not occur within 10 days of grading;
- Install track-out control devices where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep paved/unpaved roadways boundaries (e.g. project entrance roadways) at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- The contractor or builder shall designate a site dust manager and up to four persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. As necessary, the monitor shall have the authority to require additional dust control measures be implemented. The monitor shall file monthly reports to the Monterey County RMA – Planning Department, including a daily log documenting monitoring activities, exceedances, and measures taken to reduce dust emissions. Their duties shall include weekdays, holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Monterey County RMA – Planning Department and the APCD Compliance Division prior to the start of any grading, earthwork or demolition. In addition, the log of monitoring activities shall be provided to APCD for confirmation that dust control measures are meeting the requirements of Rule 402.

### COMPLIANCE OR MONITORING ACTION:

Prior to the issuance of any grading permit, the project applicant and/or contractor shall submit construction drawings to the Monterey County RMA – Planning Department and RMA – Building Services for review and approval that include the measures specified in this condition on all plans and specifications.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/14/2015: The required notes appear on construction plans submitted on 09/29/2015 for 15CP01419 (access road) on sheet CV02 and on construction plans for 15CP01420 (northern PV grading) on sheet ACVO2 and on construction plans for structural elements for northern PV (15CP02582) submitted 10/08/15 on sheet S1.1. Partially cleared for construction of Access Road, and grading and structural elements on northern PV by Delinda Robinson on 10/14/2015.

10/27/2015 5:49:38PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

**12. MITIGATION MEASURE #4 - AQ(B) EMISSION-REDUCTION MEASURES FOR CONSTRUCTION EQUIPMENT**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** AQ-2(b) Emission-Reduction Measures for Construction Equipment. The Project Applicant and/or Contractor shall be responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the Project Applicant and/or Contractor shall submit construction drawings to the Monterey County RMA – Planning Department and RMA – Building Services for review and approval that include the following measures on all plans and specifications:

- Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment (applicable to northernmost edge of the project site only), including:
  - o Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
  - o Diesel idling within 1,000 feet of sensitive receptors is not permitted; and,
  - o Signs that specify the no idling requirements must be posted and enforced at the construction site.
- Operational NOX and Diesel PM Emissions Reduction Measures for Construction Equipment
  - o All construction equipment shall be maintained in proper tune according to manufacturer’s specifications;
  - o All off-road and portable diesel powered equipment shall be fueled with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
  - o Use of on-road heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines;
  - o On- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
  - o Use of electrically-powered equipment when feasible;
  - o Gasoline-powered equipment shall be substituted in place of diesel-powered equipment, where feasible; and
  - o If available, use of alternatively fueled construction equipment on-site, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of any grading permit, the Project Applicant and/or Contractor shall submit construction drawings to the Monterey County RMA – Planning Department and RMA – Building Services for review and approval that include the measures specified in this condition on all plans and specifications.

On an ongoing basis throughout construction, the Project Applicant and/or Contractor shall implement the measures in conformance with the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/14/2015: The required notes appear on construction plans submitted on 09/29/2015 for 15CP01419 (access road) on sheet CV02 and on construction plans for 15CP01420 (northern PV grading) on sheet ACVO2 and on construction plans for structural elements for northern PV (15CP02582) submitted 10/08/15 on sheet S1.1. Partially cleared for construction of Access Road, and grading and structural elements on northern PV by Delinda Robinson on 10/14/2015.

10/27/2015 5:49:50PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**13. MITIGATION MEASURE #5 AQ-2(C) TIER 3 CONSTRUCTION EQUIPMENT**

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All off-road construction diesel engines not registered under the California Air Resources Board's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower (hp) or more, shall meet, at a minimum, the Tier 3 California Emissions Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless such engine is not available for a particular item of equipment.

Construction or trucking companies with fleets that do not have engines in their fleet that meet the Tier 3 standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance. If a Tier 3 (or equivalent alternative compliance) engine is not available for any off-road engine larger than 50 hp, that engine will have tailpipe retrofit controls that reduce exhaust emissions of NOX and PM to no more than Tier 2 emission levels. Tier 1 engines will be allowed on a case-by-case basis only when the project applicant has documented that no Tier 2 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete project construction. This shall be documented with signed written correspondence by the appropriate construction contractor along with documented correspondence with at least two construction equipment rental firms. A list of the construction equipment used on-site and the associated EPA Tier shall be submitted to the County of Monterey RMA-Planning Department quarterly to verify implementation of measure.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, the Owner/Applicant shall submit to RMA-Planning for review and approval signed written correspondence and a list of the construction equipment used on-site and the associated EPA Tier from the construction contractor that demonstrates that the off road construction equipment meets the standards set forth in the condition.

On a quarterly basis throughout construction, the Owner/Applicant shall submit to RMA-Planning for review and approval a list of the construction equipment used on-site and the associated EPA Tier that demonstrates that the off road construction equipment meets the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**      **Updated By:**

08/03/2015: List of contractors and equipment list re-submitted electronically by Tyler Potter with illegible signature from McCarthy project manager. See CCF\_13\_PLN\_PLN120294\_080315. Status changed to partially met by Delinda Robinson 10/14/2015.

10/27/2015 5:50:03PM

ROBINSOND

06/19/15 - List of contractors and lists of construction equipment to be used on site by each contractor with associated EPA Tier listed submitted electronically by Tyler Potter to D Robinson.

## Condition Compliance Status Report for PLN120294

### 14. MITIGATION MEASURE #6 - AQ-6(A) VALLEY FEVER MANAGEMENT PLAN

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The project applicant shall identify and retain a licensed occupational medicine physician (M.D.) specializing in pulmonary epidemiology, subject to approval by the the Monterey County Health Department (Health Officer), to assist with the development and implementation of a Valley Fever Management Plan (VFMP). The VFMP shall include a job hazard analysis [in compliance with California Occupational Safety and Health Administration (Cal/OSHA) regulations] for any worker that will be exposed to dust. The VFMP shall further include specific measures to reduce the potential for exposure to Valley Fever. The project applicant and the Monterey County Health Department may consult with MBUAPCD and the Cal/OSHA Compliance Program as needed in identifying a specialist M.D. and in developing the VFMP.

Prior to issuance of grading permits, the applicant shall submit the VFMP to the Monterey County Health Department for review and approval. The VFMP shall identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize worker and public exposure to dust potentially containing the Coccidioides spore. Measures in the VFMP may include the following:

- Provide HEP-filtered air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment.
- Provide communication methods, such as two-way radios, for use in enclosed cabs.
- Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with N-100 or P-100 filters to be used during any worker collocation with surface disturbance activities if determined to be needed based upon the applicable job hazard analysis.
- Workers that are required to use respirators as determined by a job hazard analysis shall be medically evaluated, fit-tested, and properly trained on the use of the respirators, and a respiratory protection program shall be implemented in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
- Provide separate, clean eating areas with hand-washing facilities.
- Thoroughly clean construction tools, equipment, and vehicles with water before they are moved offsite to other work locations.
- Equipment inspection and washing stations shall be established and manned at each construction equipment access/egress point. Spot examination of construction equipment for water washing via portable equipment in accordance with SWPPP BMPs shall be performed in order to prevent track-out of transport of material potentially carrying the Coccidioides spore.
- Suitable coveralls and change facilities shall be made available to all on-site workers. Workers performing work in areas where fresh ground disturbance presents a risk of exposure to the Coccidioides spore shall be required to change clothes after work every day before leaving the work site, to prevent distribution of Coccidioides to non-endemic areas, as determined to be needed based upon the applicable job hazard analysis.
- Establish sub-contract language clearly indicating that all subcontractors are obligated to comply fully with the meaning and intent of Title 8 California Code of

## Condition Compliance Status Report for PLN120294

Regulations Sections 5141 and 5144, subject to audit and contract enforcement by the applicant.

### CONDITION CONTINUED BELOW

Compliance or  
Monitoring  
Action to be Performed:

- Establish and execute auditing protocols to ensure subcontractor compliance with all provisions of the VFMP and provide monthly audit summary data, potential deviations noted and corrective actions implemented to the Monterey County Department of Health and County of Monterey RMA-Planning Department.
- Each primary employer of contracted workers shall be required by the terms and conditions of their contract for services to retain and consult with an Occupational Medicine Professional, licensed by either the Medical Board of California or the Osteopathic Board of California to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever. Reporting of symptoms of Valley Fever and diagnosed cases of Valley Fever must occur consistent with County and State requirements.

### COMPLIANCE OR MONITORING ACTION:

Prior to issuance of grading permits, the applicant shall submit the VFMP, in conformance with the standards set forth in the condition, to the Monterey County Health Department for review and approval.

#### Comments By Staff

Last Update on:

Updated By:

On 1/8/2016 Valley Fever Management approved by EHB. The condition is met. Ramon Montano, Assistant Planner.

1/11/2016 1:23:18PM

MONTANOR

05/07/15: Valley Fever Management Plan submitted by Tyler Potter to Laura Lawrence (RMA-Planning) and Nicki Fowler (EHB) for review and approval.

## Condition Compliance Status Report for PLN120294

### 15. MITIGATION MEASURE #7 - AQ-6(B) ADDITIONAL VALLEY FEVER DUST SUPPRESSION MEASURES

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If peak daily wind speeds exceed 15 mph or peak daily temperatures exceed 95 degrees Fahrenheit for three consecutive days, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities. The additional dust suppression shall continue until winds are 10 mph or lower and outdoor air temperatures are below a peak daily temperature of 90 degrees for at least two consecutive days. The additional dust suppression measures shall be incorporated into the Final Construction Management Plan. The Final Construction Management Plan shall be submitted to the County of Monterey RMA-Planning Department for review and approval prior to commencing ground disturbing activities (e.g., grading, filling, trenching).

**Compliance or Monitoring Action to be Performed:** Prior to commencing ground disturbing activities (e.g., grading, filling, trenching), the Final Construction Management Plan, in conformance with the standards set forth in the condition, shall be submitted to the County of Monterey RMA-Planning Department for review and approval.

On an ongoing basis throughout construction, the applicant/construction contractor shall implement the standards set forth in the Final Construction Management Plan.

#### Comments By Staff

**Last Update on:**

**Updated By:**

05/07/15: Valley Fever Management Plan submitted by Tyler Potter to Laura Lawrence (RMA-Planning) and Nicki Fowler (EHB) for review and approval.

10/27/2015 5:51:14PM

ROBINSOND

5/14/2015: Construction Management Plan submitted by Tyler Potter for review and approval. (Laura Lawrence, RMA Services Manager)

Condition Compliance Status Report for PLN120294

16. MITIGATION MEASURE #8 MONTEREY COUNTY HEALTH DEPARTMENT NOTIFICATION

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The project applicant shall notify the Monterey County Health Department (Health Officer) and the Monterey County RMA-Planning Department not more than 60 nor less than 30 days before construction activities commence to allow the Health Officer opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading.

Compliance or Monitoring Action to be Performed: Not more than 60 nor less than 30 days before construction activities commence, the project applicant shall notify the Monterey County Health Department (Health Officer) and the Monterey County RMA-Planning Department of pending construction activities to allow the Health Officer opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading.

Comments By Staff

Last Update on:

Updated By:

09/11/2015: Notice that construction activities are anticipated to commence on or around November 1, 2015 submitted to D. Robinson (Planning), Nicole Fowler (EHB) & Molly Hubbard (Health Department) . See Document CCF16\_PLN\_PLN120294\_091115. Condition cleared by D Robinson 10/08/2015

10/27/2015 5:51:32PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 17. MITIGATION MEASURE #9 - AQ-6(D) VALLEY FEVER WORKER TRAINING PROGRAM AND SAFETY MEASURES

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to any project grading activity, the primary project construction contractor shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers are aware of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for project workers, and shall identify safety measures to be implemented by construction contractors during construction, including all safety measures included in the Valley Fever Management Plan prepared pursuant to Mitigation Measure AQ-6(a). Prior to initiating any grading, the project applicant shall provide the Monterey County RMA – Planning Department and the Monterey County Health Department with copies of all educational training material for review and approval. No later than 30 days after any new employee or employees begin work, the project applicant shall submit evidence to the Monterey County RMA – Planning Department that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).

**Compliance or Monitoring Action to be Performed:** Prior to any project grading activity, the primary project construction contractor shall prepare and implement a worker training program in conformance with the standards set forth in the condition.

Prior to initiating any grading, the project applicant shall provide the Monterey County RMA – Planning Department and the Monterey County Health Department with copies of all educational training material for review and approval.

On an ongoing basis throughout construction, and no later than 30 days after any new employee or employees begin work, the project applicant shall submit evidence to the Monterey County RMA – Planning Department that each employee has acknowledged receipt of the training in conformance with the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/27/2015 5:51:49PM

ROBINSOND

Condition Compliance Status Report for PLN120294

18. MITIGATION MEASURE #10 - AQ-6(E) VALLEY FEVER INFORMATION HANDOUT

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall work with a medical professional, in consultation with the Monterey County Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for infection is available. Prior to construction permit issuance, this handout shall have been created by the applicant and reviewed by the County. No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the applicant shall create a handout, in conformance with the standards set forth in the condition, and submit it to the Monterey County Health Department for review and approval.

No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, the approved handout shall be mailed to all existing residences within three miles of the project boundaries.

Comments By Staff

Last Update on:

Updated By:

10/01/2015: Valley Fever Fact Sheets in English and Spanish submitted on 08/05/2015 approved by Monterey County Health Department 10/01/2015.

10/27/2015 5:52:15PM

ROBINSOND

10/23/2015: Evidence that sheets were mailed submitted. Status changed to Met by Delinda Robinson 10/14/2015.

**Condition Compliance Status Report for PLN120294**

**19. MITIGATION MEASURE #11 - AQ-9 CONSTRUCTION MANAGEMENT PLAN REQUIREMENTS**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The Final Construction Management Plan (CMP) proposed as Applicant Proposed Measure 2 (APM-2) shall include the following construction emissions reduction measures, recommended by SLOAPCD:

- Best Available Control Technology for Construction equipment (BACT) measures to reduce construction emissions, which can include:
  - o Repowering equipment with the cleanest engines available;
  - o Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>
- Schedule activities to minimize the amount of large construction equipment operating simultaneously during any given time period; and
- Scheduling of construction truck trips during non-peak hours to reduce peak hour emissions;

The CMP shall be submitted to the County of Monterey RMA-Planning Department for review and approval.

**Compliance or Monitoring Action to be Performed:** Prior to commencing ground disturbing activities (e.g., grading, filling, trenching), the Final Construction Management Plan, in conformance with the standards set forth in the condition, shall be submitted to the County of Monterey RMA-Planning Department for review and approval.

On an ongoing basis throughout construction, the applicant/construction contractor shall implement the standards set forth in the Final Construction Management Plan.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
5/14/2015: Construction Management Plan submitted by Tyler Potter for review and approval. (Laura Lawrence, RMA Services Manager)	11/19/2015 2:57:22PM	ROBINSOND

## Condition Compliance Status Report for PLN120294

### 20. MITIGATION MEASURE #12 - B-1(A) NESTED COMPENSATORY MITIGATION

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall provide conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts to vegetative communities and listed or special status plants and wildlife. The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than those specified in mitigation measures B-1(e), B-1(j), B-1(n), B-1(v), B-1(z), and B-1(cc). Compensatory mitigation for multiple species may be combined to mitigate for impacts to multiple species simultaneously (i.e. nested compensatory mitigation). Areas proposed for preservation and serving as compensatory mitigation for special status plant species impacts must contain verified extant populations of the special status plant species that would be impacted by the project. Areas proposed for preservation and serving as compensatory mitigation for special status wildlife species impacts must contain habitat value and function consistent with the conditions necessary to support viable populations of the special status species for which impacts are being mitigated (i.e. suitable vegetation communities, suitable breeding and nesting habitat and microhabitat conditions, including appropriate aquatic habitat for impacts to aquatic species or disturbances to aquatic habitat). Preservation lands must also be within known species ranges and known occurrences of local populations of the species for which impacts are being mitigated. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder.

The applicant shall either provide conservation easements or provide funds for the acquisition of such easements to a qualified easement holder as defined below. The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has regulatory authority. To qualify as a "qualified easement holder" a private land trust must at a minimum have:

1. Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;
2. Adopted the Land Trust Alliance's Standards and Practices; and
3. A stewardship endowment fund to pay for its perpetual stewardship obligations.

Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project.

The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and funds in the form of a non-wasting endowment to cover the

## Condition Compliance Status Report for PLN120294

cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the conservation easement holder in consultation with the County.

The primary purpose of the conservation easement(s) shall be conservation of impacted species and habitats, but the conservation easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.

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

CONDITION TEXT CONTINUED IN NEXT CONDITION 21

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 11/12/2015, consultant submitted a copy of CCF\_PLN120294\_11122015. Part 1 of condition 20 is completed. This condition is partially met. Ramon Montano, Assistant Planner.

12/22/2015 3:31:12PM

MONTANOR

## Condition Compliance Status Report for PLN120294

### 21. MITIGATION MEASURE #12 - B-1(A) NESTED COMPENSATORY MITIGATION

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: **CONDITION TEXT CONTINUED:**

Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above), be subject to the management requirements outlined in the HMMP (see measure B-1[b]), and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

-- Land Acquisition Requirements. The following factors shall be considered in assessing the quality of potential mitigation habitat: (1) current land use, (2) location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to potential sources of disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species.

To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be either "suitable habitat" or "enhanced habitat":

-- Suitable Habitat. To meet the requirements for suitable habitat that provides equal or greater habitat value for special status animal species than the impacted habitat, the habitat must:

1. provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed;
2. not be characterized by (or adjacent to areas characterized by) high densities of invasive species, such as yellow star-thistle, or species that might jeopardize habitat recovery and restoration;
3. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and
4. not be located on land that is currently publicly held for resource protection.

-- Enhanced Habitat. If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that:

1. is within an area with potential to contribute to habitat connectivity and build linkages between known San Joaquin kit fox populations;
2. consists of actively farmed land or other land containing degraded habitat that will support enhancement;
3. supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements;
4. cannot be located on land that is currently held publicly for resource protection; and
5. does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

-- Enhanced Habitat Standards. For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of annual grasslands, other grassland vegetation, suitable aquatic habitat, suitable foraging habitat (e.g. habitat

## Condition Compliance Status Report for PLN120294

is within 10 miles of known nesting golden eagles) or other habitat characteristics (e.g. suitable burrows for burrowing owls, small mammal burrows in upland habitat for CTS, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied.

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

**Mitigation Timing:** The applicant shall calculate the total acreages required to meet all compensatory mitigation obligations and submit these totals to the County prior to the issuance of grading permits. The applicant shall then obtain County approval of the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of recorded easement(s) shall be submitted to and approved by the County prior to the first of the project's final inspections, or within 18 months after issuance of grading permits, whichever comes first. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to final inspection.

**Monitoring:** The County shall review documentation of compensatory mitigation land acquisition and associated restrictive covenant for consistency with conditions outlined in the measure. These lands may be identified through independent consultation with CDFW and/or USFWS.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 11/12/2015, consultant submitted a copy of CCF\_PLN120294\_11122015. Part 1 of condition 21 is completed. This condition is partially met. Ramon Montano, Assistant Planner.

12/22/2015 3:30:30PM

MONTANOR

## Condition Compliance Status Report for PLN120294

### 22. MITIGATION MEASURE #13 - B-1(B) HABITAT MITIGATION AND MONITORING PLAN

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

To ensure the success of compensatory mitigation sites required for compensation of permanent impacts to vegetative communities and listed or special status plants and wildlife, the applicant shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be submitted to the County within 12 months after the issuance of the grading permit. The HMMP shall include, at a minimum, the following information:

1. a summary of habitat and species impacts and the proposed mitigation for each element;
2. a description of the location and boundaries of the mitigation site(s) and description of existing site conditions;
3. a description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species;
4. identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands;
5. a description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance);
6. in areas subject to grazing management, compilation of a dedicated, site-specific managed grazing plan, prepared by a Certified Rangeland Manager, for grassland habitats within the mitigation site(s), employing Residual Dry Matter (RDM) monitoring, and a description of the adaptive management scheme for this plan;
7. a description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall document compliance with each element requiring habitat compensation or management;
8. a contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur; this contingency plan shall identify associated follow-up monitoring needs beyond the initial three years post-construction if remedial actions are required;
9. a requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least three years post-construction or until success of the compensatory lands (especially enhanced habitats) as described in the HMMP can be shown; during this period, regular reporting shall be provided to the County;
10. reporting shall include:
  - a) an annual monitoring report to be submitted to the County; and
  - b) for any species listed under the FESA or CESA, demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA, (2) minimize and mitigate any take of an FESA-listed species to the maximum extent practicable as defined by FESA, and (3) ensure that impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.

## Condition Compliance Status Report for PLN120294

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The HMMP shall be submitted by the applicant to the County, and be approved by the County prior to the first of the project's final inspections, or within 12 months after issuance of grading permits, whichever comes first.

Monitoring: The County shall ensure that all components of the HMMP are fully implemented by the applicant.

*Comments By Staff*

*Last Update on:*

*Updated By:*

11/19/2015 2:58:37PM

ROBINSOND

<b>23. MITIGATION MEASURE #14 - B-1(C) PRE-CONSTRUCTION SPECIAL STATUS PLANT SURVEYS</b>
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**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to initial ground disturbance, all temporary and permanent disturbance areas within the Utility Corridor (i.e. areas not surveyed in 2013) shall be surveyed for special status plant species. The surveys shall be conducted in accordance with accepted protocols established by the USFWS, CDFW, and CNPS. The surveys shall be floristic in nature and shall be timed to coincide with the bloom period for the target species identified in the Rare Plant Survey report (see Appendix E.6). All special status plant species observed shall be fully described and mapped on a site-specific aerial image. All special status plant species observation information shall be submitted to the CNDDDB.

In addition, if there is a lapse in time of greater than two years between the completed protocol surveys in 2013 and the initiation of ground disturbance, all temporary and permanent disturbance areas shall be resurveyed to confirm the populations of special status plant species previously documented on-site, to provide updated and current information on rare plant occurrences necessary to the Habitat Mitigation Plan (see below). The largest extent of special status plant species documented shall be used to determine the mitigation requirements, regardless of which year the survey was conducted.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The applicant shall contract for seasonally-timed pre-construction special status plant species to be conducted within the Utility Corridor prior to construction of the project. The applicant shall submit documentation to the County documenting the results of the preconstruction surveys.

Monitoring: The County shall ensure that the surveys are completed by the applicant prior to issuing grading permits.

*Comments By Staff*

*Last Update on:*

*Updated By:*

On 11/12/2015, consultant submitted a copy of BSA special status plants, preconstruction surveys report for CCF\_PLN120294\_11122015. This condition is partially met. Ramon Montano, Assistant Planner.

12/23/2015 11:21:36AM

MONTANOR

**Condition Compliance Status Report for PLN120294**

**24. MITIGATION MEASURE #15 - B-1(D) SPECIAL STATUS PLANT SPECIES AVOIDANCE AND MINIMIZATION**

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation/ Monitoring Measure:** Federally- and state-listed plant species were not identified during 2013 protocol survey; however, if they are identified during future survey efforts within the project site, as conducted under B-1(a), complete avoidance shall be required. The project Proponent shall, in consultation with a qualified plant ecologist, design, construct, and operate the project to completely avoid impacts to all populations of California jewelflower and San Joaquin woollythreads within the project impact area or within 50 feet of the project impact area. Impacts to all other (CRPR 1B and 4) special status plant species shall be avoided or minimized to the greatest extent feasible.

All known special status plant populations present within the limits of disturbance, or within 100 feet of the limits of disturbance shall be clearly depicted on Project plan sets. Prior to ground disturbance or vegetation removal in areas where special-status plant populations are to be avoided, the limits of work shall be visibly delineated with highly visible orange construction fencing or flagging. Visible delineation markers shall be required where special status plants to be avoided occur within 50 feet of general Project construction access areas and array installation, or within 100 feet of grading. The avoidance buffers shall be designated Environmentally Sensitive Areas (ESAs) and shall also be shown on Project plan sets. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. All ESA fencing shall be maintained intact and in good condition throughout the duration of construction.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: project site plans shall be amended by the applicant to show ESAs prior to issuance of grading permits. ESA fencing shall be installed by the applicant prior to initiation of all other construction activities, including ground disturbance and staging.

Monitoring: The County shall ensure that the project site plans show ESAs and that ESA fencing is properly installed. The County shall ensure that ESA fencing is maintained throughout the duration of construction.

<i>Comments By Staff</i>	<i>Last Update on:</i>	<i>Updated By:</i>
<i>On 11/12/2015, consultant submitted a copy of BSA special status plants avoidance measures for CCF_PLN120294_11122015. This condition is partially met. Ramon Montano, Assistant Planner.</i>	<i>12/23/2015 11:23:50AM</i>	<i>MONTANOR</i>

## Condition Compliance Status Report for PLN120294

### 25. MITIGATION MEASURE #16 - B-1(E) COMPENSATORY MITIGATION FOR SPECIAL STATUS PLANT SPECIES

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Where direct impacts to special status plants cannot be avoided through redesign of project elements, to compensate for significant impacts on special status plant species, offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and also at least one occupied acres preserved for each occupied acres affected) up to the significance threshold, that is more than 10% of the BSA population for CRPR 1B species, or more than 30% of the BSA population for CRPR 4 species. For example, for a CRP-ranked 1B species where 15% of the known BSA population is impacted, mitigation must be provided at 1:1 equivalent of 5% of that BSA population; for CRPR 4 species, all impacts beyond 30 percent of the known BSA population must be mitigated at a 1:1 ratio). Areas proposed for preservation and serving as compensatory mitigation for special status plant impacts must contain verified extant populations of the special status plant species, of similar size and quality, and equal or greater density to the populations that would be impacted by the project, and should be consistent with the USFWS Recovery Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible.

Preservation of offsite local populations within 5 miles of the project site would ensure that although the project could impact many individuals of CRPR 1B and 4 species, the project would not result in extirpation of these species from the region, and conserved populations would benefit long-term survival of these species statewide.

Locations of suitable mitigation sites must be identified within 5 miles of the BSA, and a technical report must be submitted demonstrating that the same species, approximate number of individuals, and same acreage of suitable habitat as would be impacted would be preserved. Suitable sites must have similar associate species, soils, and lack extensive populations of noxious weeds. Because populations of annual plants can fluctuate from year to year and are difficult to census over large areas, estimated population of the target species at mitigation sites may vary by up to 10 percent from impacted population estimates, provided calculations are based on population estimates conducted following 2009 CDFW-approved botanical survey protocol. The technical report must identify a species-by-species accounting of individuals and acreage impacted; locations, acreages, and individuals at each proposed mitigation site; botanical survey dates, personnel, mapping and population estimation techniques used to demonstrate site suitability as mitigation for special status plant impacts.

If possible, compensatory mitigation areas shall be located as close to the project site as feasible, but must also be protected from Project-related ground disturbance by a species- and impact-specific buffer developed by a qualified plant ecologist familiar with the project actions and with the habitats and plant species present on the project site. This buffer must take into account the following potential indirect impacts that could occur to the preserved populations:

1. potential shading, or alteration of existing light regimes, by nearby infrastructure;
2. potential for alteration of drainage patterns that could affect the hydrology of habitat occupied by the preserved population;

## Condition Compliance Status Report for PLN120294

3. potential for overspray of herbicides used during site vegetation management; and,
4. potential for ongoing dust deposition on the preserved population, sufficient to coat foliage or reproductive structures and substantially interfere with photosynthesis or pollination.

CONDITION CONTINUED BELOW

## Condition Compliance Status Report for PLN120294

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

Compensatory mitigation areas for special status plants can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b).

If sufficient acreage of suitable quality as previously discussed cannot be protected to conserve CRPR 1B species at a minimum one to one ratio for individuals and acreage impacted, and to conserve CRPR 4 species impacted beyond the 30% threshold, the deficit between available suitable mitigation sites and required mitigation numbers and acreage shall be made up through active restoration. A special status plant mitigation restoration plan will be prepared, if needed, to identify suitable locations, methods, and success criteria for special status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan must at a minimum require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers impacted plants within five years.

If compensatory mitigation for special status plants will involve restoration, then the applicant shall scrape and collect topsoil and/or duff from impact areas that support rare plants, to be used in compensatory mitigation site restoration. Seed may also be collected from impact areas. Before project-related activities commence and once on-site special status plants go to seed, areas of proposed site grading where special status plants have been recorded shall be scraped to collect the seeds and topsoil/duff for redistribution on compensatory lands. A qualified botanist shall determine the most suitable locations for the topsoil/duff to be distributed on the compensatory lands, which may include but not be limited to creation of "wetland" depressions for those plants associated with wetlands, seeps, vernal pools or other mesic sites with clay soils, and determining correct soil types or topographic aspect to support each plant species. Scraping will not be conducted for soils in vernal pools that could contain federally listed invertebrates unless permitted to do so by the United States Fish and Wildlife Service (USFWS).

Sites used for restoration can be located on suitable habitat as outlined in measure B-1(a) for nested mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b).

Mitigation Timing: A technical report as described above that identifies the total number of plants and acreage impacted and required for mitigation, sites identified for mitigation through conservation, and the special status plant restoration plan, if applicable, must be submitted to the County prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. The applicant shall then obtain County approval of the restoration plan, if applicable, and the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. All other timing shall be consistent with measure B-1(a).

**Comments By Staff**

**Last Update on:**

**Updated By:**

## Condition Compliance Status Report for PLN120294

On 11/12/2015, consultant submitted a copy of CCF\_PLN120294\_11122015. Part 1 of condition 25 is completed. This condition is partially met. Ramon Montano, Assistant Planner.

12/23/2015 8:26:29AM

MONTANOR

### 26. MITIGATION MEASURE #17 - B-1(F) PRECONSTRUCTION SURVEY FOR AMERICAN BADGER

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** No more than 30 days before the start of construction activities, a qualified biologist shall conduct pre-construction surveys for American badgers within suitable habitat on the project site and in the access road/Hwy 41 improvement areas. If a potentially active den is found in a construction area, the den openings may be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. Potential (inactive) dens within the limits of disturbance shall be blocked with a one-way door or excavated to prevent use during construction. Blocking with one-way doors is preferable to excavation where feasible; potential dens blocked with doors will be made available to badgers after construction. If American badgers or active dens are detected during these surveys, the project Proponent shall implement measure B-1(g).

**Compliance or Monitoring Action to be Performed:** No more than 30 days before the start of construction activities, a qualified biologist shall conduct pre-construction surveys for American badgers in conformance with the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

11/19/2015 3:00:02PM

ROBINSOND

Condition Compliance Status Report for PLN120294

27. MITIGATION MEASURE #18 - B-1(G) AMERICAN BADGER AVOIDANCE AND MINIMIZATION

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If suitable American badger dens are identified within the disturbance footprint, the den openings shall be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. If the den is not in use, it shall be excavated and collapsed to ensure that no animals are present in the den. If the den is occupied during the non-maternity period and avoidance is not feasible, badgers shall be relocated by first incrementally blocking the den over a three-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 30 June). Any passive relocation of American badgers shall occur only under the direction of a qualified biologist.

American badger dens determined to be occupied during the breeding season (15 February through 30 June) shall be flagged, and ground-disturbing activities avoided, within 100 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and shall not be removed until the qualified biologist has determined that the den is no longer in use.

If a potential den is located outside of the disturbance footprint but within 500 feet of ground disturbing activities (including staging areas), the dens shall be avoided by installation of highly visible orange construction fencing a minimum of 100 feet around the den, designating the area an ESA. If the den is to be completely enclosed by fencing the fencing must be installed in a manner that allows badger to move through the fencing at-will. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. The fencing shall be maintained in good condition and shall remain in place until all construction activities are completed within 500 feet of the den.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall submit documentation that either no occupied American badger dens were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of active breeding dens prior to issuance of grading permits.

Monitoring: The County shall ensure that the applicant is in compliance with American badger impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:00:13PM

ROBINSOND

Condition Compliance Status Report for PLN120294

28. MITIGATION MEASURE #19 - B-1(H) PRECONSTRUCTION SURVEYS FOR SNA JOAQUIN KIT FOX

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation Monitoring Measure:** No more than 30 days before the start of construction activities, the project Proponent shall retain a qualified biologist to conduct pre-construction surveys. All areas within the active limits of work, plus a 500-foot buffer (where the project Proponent has access), shall be surveyed, and all known and potential San Joaquin kit fox dens (i.e., suitably sized dens occurring within suitable habitat) shall be mapped. The entire project site will not be disturbed simultaneously; therefore, pre-construction surveys shall be staggered and occur only in areas scheduled for construction, at most 30 days prior to disturbance in those areas. If present, active San Joaquin kit fox dens shall be flagged, and ground-disturbing activities shall be avoided as described in measure B-1(i), below.

**Compliance or Monitoring Action to be Performed:** No more than 30 days before the start of construction activities, the project Proponent shall retain a qualified biologist to conduct pre-construction surveys in conformance with the standards set forth in the condition.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:00:24PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 29. MITIGATION MEASURE #20 - B-1(I) SAN JOAQUIN KIT FOX DEN AVOIDANCE AND MINIMIZATION MEASURES

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

When a suitable subterranean hole (den or burrow) is discovered within the project site, a qualified biologist will determine if the hole is occupied by a kit fox. Den entrances at least 4 inches in diameter, but not greater than 20 inches, qualify as suitable for kit fox use. The biologist will check to see if the den continues to extend underground at a 6-inch diameter. If the opening narrows quickly to 2-3 inches, then the hole will be considered unusable by kit foxes (it is likely being used by a California ground squirrel and would require extensive modification to be usable by a kit fox). If the den(s) can be immediately identified as recently used by kit fox based on qualifying signs such as kit fox tracks, scat, and a fresh soil apron extending 4-6 feet from the den entrance, then no further investigation will be conducted and the hole will be considered an occupied den.

Dens with proper dimensions but no obvious sign will require further investigation. A remote motion-sensing camera will be deployed for at least five (5) days to document whether the hole is being used by kit fox. If, after 5 days, no kit foxes are detected and the hole has remained unchanged (no new tracks or excavations are observed), the den will be deemed unoccupied. The den will be considered occupied if a kit fox is photographed using the den frequently or if recent sign is found.

Per the USFWS Standard Recommendations (2011), the following definitions will apply:

1. "Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radio telemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox.
2. "Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.
3. "Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den.
4. "Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

The applicant shall establish buffers around occupied dens within the project site under the following conditions for the construction and operation phases of the project:

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### Construction Phase

1. Occupied dens detected during pre-construction surveys or during construction monitoring will be fenced or flagged at the appropriate buffer distance (described below), to prevent access to the occupied den by construction equipment or non-biologist personnel.
2. Upon completion of construction activities in proximity to a den, all fencing/flagging will be removed to avoid attracting subsequent attention to the dens.
3. All onsite flagging and buffer delineations will be well maintained for the duration of activity in proximity to the den or until the den is determined to be unoccupied, whichever comes first.

CONDITION CONTINUED BELOW

## Condition Compliance Status Report for PLN120294

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

4. The following radii will be the San Joaquin kit fox buffer distances in effect within the project site during project construction:
  - a. Occupied den – 100 feet
  - b. Occupied natal/pupping den – 500 feet
  - c. Occupied atypical den – 50 feet
5. Within the buffers, only essential vehicle and foot traffic will be permitted.
6. Otherwise, all construction, vehicle operation, material storage, and any other type of surface-disturbing activity will be prohibited within the buffers.
7. All reductions to established restrictive buffer areas (i.e. changes in total area by reducing the radii of the buffer or modifying the circular shape of the buffer) or allowance of additional activities within the restrictive buffers based on specific circumstances (i.e. vegetation, topography, acclimation to existing conditions, or frequency, intensity, or duration of anthropogenic activities) must be authorized by an agency-approved kit fox biologist. Agency approval of the kit biologist must be provided in writing by the agencies after review of the biologist's resume. All authorized reductions to restrictive buffer areas must be reported in writing to the USFWS and CDFW per the requirements of the federal and/or state take authorizations if specified, or within 24 hours of implementing the change if not specified in the take authorization(s).

### Operations Phase / Routine Activities

1. Because routine O&M activities are minimally disruptive and any San Joaquin kit fox that may occur on the site will have habituated to similar levels of activity, restricted kit fox buffer zone entry for normal O&M activities is generally allowable following specific guidelines (see below).
2. Routine O&M activities include (but are not limited to) system maintenance/repair, testing and visual inspections, monitoring of overall system operational status, meter reading, security surveys and actions, and supervision of these activities and plant operation.
3. For normal O&M activities, buffer zones within the project site will have restricted entry as follows:
  - a) Potential or unoccupied dens (50-ft buffer):
    - i. No restrictions on entry except that the activity may not cause the destruction of the den.
  - b) Occupied dens (100-ft buffer) and occupied atypical dens (50-ft buffer):
    - i. No activity that would destroy the den may occur, until it is determined to be unoccupied.
    - ii. No activity that may harm a San Joaquin kit fox will proceed until the San Joaquin kit fox is out of harm's way without harassment.
    - iii. No vehicle parking/refueling will occur within the buffer.
    - iv. Through-vehicle access allowed on established routes for normal O&M activities.
    - v. Access may be allowed on foot or with light-duty vehicles/equipment only (e.g. panel washing equipment) for normal O&M activities if San Joaquin kit foxes are not observed above ground.
    - vi. Any activity that would cause strong ground vibrations may not occur within the buffer zone until the den is no longer occupied.
    - vii. In emergencies or urgent operational necessity, project personnel conducting normal O&M activities may slowly and carefully approach the work area near the den with a San Joaquin kit fox above ground, unless continuation of the activity would harm the San Joaquin kit fox or den.
  - c) Natal den without pups (200-ft buffer):
    - i. No restrictions apply to entries into buffer area around an unoccupied natal den unless the activity would cause the destruction of the den.

## Condition Compliance Status Report for PLN120294

ii. Same restrictions apply as for occupied dens with 100-ft buffers, as per above.

### CONDITION TEXT CONTINUED IN CONDITION 30

#### Comments By Staff

Last Update on:

Updated By:

On 4/27/2016, Jason Dart Senior Biologist, e-mailed notification that a natal Kit Fox den had been found on 4/26/2016 100 feet from the access road. Written notification was made to CDFW and USFWS the same day as the observation, per the ITP and BO requirements. The notification outlines our approach to restricted entry within the 500-foot buffer for construction traffic on the existing road. Ramon Montano, Assistant Planner.

4/27/2016 2:52:41PM

MONTANOR

## Condition Compliance Status Report for PLN120294

### 30. MITIGATION MEASURE #20 - B-1(I) SAN JOAQUIN KIT FOX DEN AVOIDANCE AND MINIMIZATION MEASURES

**Current Status:** Partially Met

**Responsible Department:** Planning Department

- Condition/Mitigation Monitoring Measure:**
- d) Natal den with pups (500-ft buffer):
- i. No activity that would destroy the den may occur until the den is determined to be unoccupied.
  - ii. No activity that may harm a San Joaquin kit fox will proceed until the den is unoccupied and the San Joaquin kit foxes are out of harm's way without harassment.
  - iii. No vehicle parking/stopping/refueling will occur within the buffer.
  - iv. Through-vehicle access allowed on established routes for normal O&M activities.
  - v. No work will occur within 100 ft of natal dens except in emergencies or urgent operational necessity. In emergencies or urgent operational necessity, project personnel may slowly and carefully approach the work area near the den, unless continuation of the activity may harm a San Joaquin kit fox or den.
  - vi. No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-duty vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no San Joaquin kit foxes are above ground.
  - vii. Access may be allowed on foot up to 100 ft from a natal den for normal O&M activities if no San Joaquin kit fox are above ground.
  - viii. The fewest number of personnel and only equipment or vehicles essential to the work to be done may approach a den (within the constraints listed above); work must be completed, and personnel leave the area, as quickly as possible.
  - ix. Any activity that would cause strong ground vibrations may not occur within a buffer zone until the den or burrow is no longer occupied.
- Operations Phase/Extended Activities
1. Specific den disturbance avoidance procedures for ground-disturbing, mowing, and extended maintenance activities will be developed, in consultation with a Designated Biologist(s)
  2. Per the USFWS Standard Recommendations (2011), a Designated Biologist means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox, gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists will be submitted to the Service for review and approval prior to any survey or monitoring work occurring.
  3. At a minimum, the following procedures will be followed on the project site:
    - a) No work will be allowed to occur within 200 ft of currently occupied natal dens except in emergencies or urgent operational necessity.
    - b) Work that would cause strong ground vibrations may not occur within a buffer zone until such time as the den is no longer occupied.
    - c) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance activities may be allowed within less than 100 ft of a non-natal San Joaquin kit fox den or 50 ft of an atypical kit fox den when the Designated Biologist(s) has determined it is not occupied (may be temporarily unoccupied).
    - d) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance

## Condition Compliance Status Report for PLN120294

activities may be allowed within less than 200 ft of a San Joaquin kit fox natal den when the Designated Biologist(s) has determined it is not occupied.

e) The fewest number of personnel and only equipment or vehicles essential to the work to be done will approach a den. Work will be completed, and personnel will leave the area, as quickly as possible.

The applicant shall minimize impacts on known dens through the following procedures:

1. Protect in place if construction would not directly affect the known den on the project site as follows:

a) Protect in place will occur immediately after a three-day period of camera monitoring indicating the den is unoccupied, as described above.

CONTINUED BELOW

## Condition Compliance Status Report for PLN120294

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

- b) A one-way SJKF door or an alternative approved exclusionary device will be installed on the currently unoccupied den, and the tracking medium or infrared camera will be left in place for two more days to monitor potential activity at the den.
- c) If SJKF activity is observed at the den during this monitoring period, the exclusionary device will be removed and the den will be monitored for at least five additional consecutive days, starting from the time of the observation.
- d) Use of the den can be discouraged during this period by partially plugging its entrance(s) with soil in such a manner that any resident animal can escape easily.
- e) When the den is determined to be unoccupied it will be protected in place under the direction of a qualified biologist. If an animal is still attempting to access the den after five or more consecutive days of plugging and monitoring, the den may have to be excavated (procedure described below).

2. Excavate dens when construction at the known den site is unavoidable as follows:

- a) If necessary, destruction of the den will occur immediately after the three-day monitoring period, when the den is temporarily vacant (for example, during the animal's normal foraging activities), to preclude subsequent use.
- b) Destruction of the den will be accomplished by careful excavation until the den is fully excavated.
- c) Hand excavation of dens is encouraged; however, soil conditions may necessitate the use of excavating equipment.
- d) Extreme caution will be exercised during any den excavation activities and will only be conducted under the direct supervision of a qualified biologist.
- e) The fully excavated den will be filled with dirt and compacted to ensure that kit foxes cannot re-enter or use the den during the construction period.
- f) If, at any point during excavation, a SJKF is discovered inside the den, the excavation activity will cease immediately, and monitoring of the den as described above will resume.
- g) Destruction of the den may be completed when, in the judgment of a qualified biologist, the animal has escaped from the partially destroyed den.
- h) The camera monitoring and/or burrow-probing procedures employed to determine occupancy prior to excavation will also be used to verify that there is not a second fox inside the den.

3. Postpone work near, and impacts to, natal/pupping dens on the project site as follows:

- a) Natal or pupping dens (dens in which young are reared) that are occupied will not be destroyed or protected in place until the pups and adults have vacated.
- b) Project activities within the restricted-activity buffer zones will be modified or postponed if necessary to avoid disturbance, as determined by a qualified biologist. As described above, the following buffer zones apply only for natal dens:
  - i. Construction Phase – 500 Ft
  - ii. Operations Phase / Normal Activity - No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-duty vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no SJKFs are above ground.
- c) After the pups have vacated the den, the procedure for excavation or protection in place (outlined above for known dens) will be implemented.

**MITIGATION TIMING:** The applicant shall submit documentation to the County that either no occupied SJKF dens were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of occupied or active breeding dens prior to issuance of grading permits. If occupied dens cannot be avoided the applicant will provide documentation that an Incidental Take Permit

**Condition Compliance Status Report for PLN120294**

has been issued by CDFW (CESA/CFGC Sections 2081(b) and 2081(c)) and a Biological Opinion has been issued by the USFWS (FESA Section 7)

Monitoring: The County shall ensure that the applicant is in compliance with all SJKF impact avoidance and minimization measures.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 4/27/2016, Jason Dart Senior Biologist, e-mailed notification that a natal Kit Fox den had been found on 4/26/2016 100 feet from the access road. Written notification was made to CDFW and USFWS the same day as the observation, per the ITP and BO requirements. The notification outlines our approach to restricted entry within the 500-foot buffer for construction traffic on the existing road. Ramon Montano, Assistant Planner.

4/27/2016 2:53:12PM

MONTANOR

**31. MITIGATION MEASURE #21 B-1 (J) COMPENSATORY HABITAT MITIGATION FOR SAN JOAQUIN KIT FOX**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:**

To mitigate for the loss of San Joaquin kit fox habitat from the installation of all new facilities, except the SDAs, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site.

To mitigate for the impacts to San Joaquin kit fox habitat within the SDAs, the project Proponent shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site.

Compensatory mitigation areas for San Joaquin kit fox can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for San Joaquin kit fox shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

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

Mitigation Timing: Identification of the total acreage for mitigation of San Joaquin kit fox must be submitted to the county prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 11/12/2015, consultant submitted a copy of CCF\_PLN120294\_11122015. Part 1 of condition 31 is completed. This condition is partially met. Ramon Montano, Assistant Planner.

12/22/2015 3:22:13PM

MONTANOR

Condition Compliance Status Report for PLN120294

32. MITIGATION MEASURE #22 - B-1(K) REMOVE WILD ANIMALS AND LIVESTOCK CARCASSES

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To minimize potential for attracting predators of San Joaquin kit fox, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Proponent on a weekly basis during construction and operation. During construction, any road kill within the project site shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an individual in possession of appropriate federal and state permits, if any are required, including but not necessarily limited to a state scientific collection permit pursuant to Fish and game Code Section 2081.

Compliance or Monitoring Action to be Performed: On weekly basis throughout construction and operation, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock in conformance with the standards set forth in the condition.

On an ongoing basis throughout construction, any road kill within the project site shall be reported to designated onsite personnel in conformance with the standards set forth in the condition.

Comments By Staff

Last Update on:

Updated By:

08/19/2015: Memo from McCarthy submitted stating that they will monitor the site on a weekly basis and remove carcasses in accordance with the measure. Language needs to be added to the Construction Management Plan. Status changed to Partially Met by Delinda Robinson 10/14/2015

12/23/2015 9:56:12AM

MONTANOR

Condition Compliance Status Report for PLN120294

33. MITIGATION MEASURE #23 - B-1(L) PRECONSTRUCTION SURVEYS FOR BURROWING OWL

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No more than 14 days before the start of initial ground disturbing activities, a qualified ornithologist(s) shall conduct focused, pre-construction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat (CDFG 2012). Preconstruction surveys shall be consistent with CDFW-recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012; Appendix B), and be conducted on foot such that 100% of the survey area is visible, and shall cover the entire limits of disturbances plus a 500-foot buffer. If the project is developed in phases, the preconstruction surveys shall be timed to coincide with the start of each phase, rather than the entire site being surveyed at one time. All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, whitewash) shall be mapped on a site-specific aerial image. A report of the survey finds shall be submitted to the County prior to initiation of construction activities.

If suitable burrows for burrowing owls are identified during preconstruction surveys, mitigation measure B-1(m) shall be implemented.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant will contract for preconstruction burrowing owl surveys to be conducted prior to construction of the project and shall submit documentation to the County that surveys have been completed prior to the start of initial ground-disturbing activities.

Monitoring: The County shall ensure that applicant is in compliance with all burrowing owl impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:01:22PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 34. MITIGATION MEASURE #24 - b-1(M) BURROWING OWL AVOIDANCE AND MINIMIZATION MEASURES

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If suitable burrows for burrowing owls are found during preconstruction surveys on the project site; burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the Staff Report on Burrowing Owl Mitigation (CDFG 2012; Appendix B). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist in the same manner as described under B-1(g).

If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented.

1. Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies, through noninvasive methods, that either (1) the burrow is not being used for breeding, (2) a previously active nest has failed and the burrow is no longer active, or (3) all juveniles from the occupied burrow are foraging independently and capable of independent survival and the burrow is no longer an active nest burrow. Owls present after 1 February shall be assumed to be nesting unless evidence indicates otherwise.

Nest-protection buffers described below shall remain in effect until 31 August or, based upon monitoring evidence, until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.

2. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012; Appendix B):

The appropriateness of using reduced buffer distances or burrow-specific buffer distances shall be established on a case-by-case basis by a qualified ornithologist in consultation with CDFW, and shall depend on existing conditions (e.g., vegetation/topographic screening and current disturbance regimes). If necessary, buffer distances shall be carefully reassessed and relaxed or modified, based on future development plans (e.g., increased or intensified construction activities), by a qualified biologist who may consult with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through construction of project or until construction activities are no longer occurring in the vicinity of the burrow.

3. During the nonbreeding season (generally 1 September–31 January), a qualified biologist may passively relocate burrowing owls found within construction areas. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County prior to implementation.

The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist

## Condition Compliance Status Report for PLN120294

shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken:

### CONDITION CONTINUED BELOW

Compliance or  
Monitoring  
Action to be Performed:

a) Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

b) Passive relocation of burrowing owls shall be limited in areas adjacent to Project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of Project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW, and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

Mitigation Timing: The applicant shall submit preconstruction survey documentation to the County that either no occupied burrowing owl burrows were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of active breeding burrows prior to issuance of grading permits.

Monitoring: The County shall ensure that the applicant is in compliance with burrowing owl impacts avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:01:34PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**35. MITIGATION MEASURE #25 - B-1(N) COMPENSATORY HABITAT MITIGATION FOR BURROWING OWL**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** To mitigate for the loss of burrowing owl habitat from the installation of all new facilities, except the SDAs, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site.

To mitigate for the impacts to burrowing owl habitat within the SDAs, the project Proponent shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site.

Compensatory mitigation areas for burrowing owl can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for burrowing owl shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: Identification of the total acreage for mitigation of burrowing owl must be submitted to the county prior to the issuance of grading permits. All other timing shall be consistent with measure B-1(a).

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 11/12/2015, consultant submitted a copy of CCF\_PLN120294\_11122015. Part 1 of condition 35 is completed. This condition is partially met. Ramon Montano, Assistant Planner.

12/23/2015 10:04:32AM

MONTANOR

Condition Compliance Status Report for PLN120294

36. MITIGATION MEASURE #26 - B-1(O) PRECONSTRUCTION SURVEYS FOR COACHWHIP AND COAST HORNED LIZARD

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The project Proponent shall retain a qualified biologist (i.e., a biologist approved by CDFW to handle these species) to conduct pre-construction surveys immediately before initial ground disturbance (i.e., the morning of the commencement of disturbance). If San Joaquin coachwhips or coast horned lizards are found in the area of disturbance, the biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant will contract for preconstruction coachwhip and coast horned lizard surveys to be conducted prior to construction of the project.

Monitoring: The County shall ensure that the surveys are completed prior to issuing grading permits.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:02:02PM

ROBINSOND

37. MITIGATION MEASURE #27 - B-1(P) WILDLIFE - FRIENDLY FENCE DESIGN

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The fencing around the perimeter of the project site and SDAs shall be designed to allow passage by SJKF, American badger, and their prey species, by incorporating either standard deer fencing installed so that the larger openings occur at the bottom or chain link fencing with the bottom edge raised 5 to 7 inches above the ground for the entire length, to allow for unimpeded movement of SJKF and American badger through the site. Interior fencing may be designed such that it is installed four to five inches above ground.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The Wildlife-friendly fence design plans shall be submitted by the applicant to the County, CDFW, and USFWS for review and approval by the County prior to issuance of grading permits.

Monitoring: The County shall ensure that an approved wildlife-friendly fence design is included in final project design.

Comments By Staff

Last Update on:

Updated By:

11/30/2015 4:55:08PM

ROBINSOND

Condition Compliance Status Report for PLN120294

38. MITIGATION MEASURE #28 - B-1(Q) BAT PRECONSTRUCTION SURVEYS AND AVOIDANCE

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A qualified biologist shall conduct an acoustic survey during the maternity season (1 March to 31 July) before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities. An additional survey for non-maternity roosts shall be conducted not less than 30 days prior to the start of construction. If no active roosts are found, no further action shall be required.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by Project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. Reduced avoidance buffers can be established through consultation with CDFW. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., bachelor colonies, hibernacula) are found in trees scheduled to be removed or in rocky crevices within the grading footprint, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall submit documentation to the County that either no special status bats were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of impacts to special status bats prior to the start of construction activity.

Monitoring: The County shall ensure that the applicant is in compliance with special status bat impacts avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:02:14PM

ROBINSOND

Condition Compliance Status Report for PLN120294

39. MITIGATION MEASURE #29 - B-1(R) PRECONSTRUCTION SURVEY FOR TAPTORS AND OTHER SPECIAL STATUS BIRD

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Not more than 30 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct preconstruction surveys for nesting raptors. Not more than 14 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct preconstruction surveys for nesting MBTA/state regulated birds. The survey for the presence of nesting raptors, including golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird species shall include the disturbance footprint plus a 300-foot buffer. The surveys shall be repeated during the breeding season for each subsequent year of construction to ensure that ongoing construction activities avoid impacts to nesting birds.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest, and 0.5 mile for fully protected and state-listed raptors (such as white-tailed kite, bald eagle and Swainson's hawk). The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged.

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall submit documentation to the County that either no raptors or other special status birds were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of impacts to raptors and other special status birds prior to the start of construction activity. If results of the preconstruction surveys for raptors or other special status birds identify any state listed or state fully protected species, a preconstruction survey report will also be provided to CDFW prior to the start of construction.

Monitoring: The County shall ensure that the applicant is in compliance with raptor and special status bird impacts avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:02:26PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 40. MITIGATION MEASURE #30 - B-1(S) SPECIAL STATUS BIRD SPECIES IMPACT AVOIDANCE AND MINIMIZATION

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The following avoidance and minimization measure shall be implemented to protect special status bird species from impacts due to project implementation.

1. Cap Vertical Pipes and Piles. To prevent cavity-dwelling and -nesting birds from entering open vertical pipes and piles, all open vertical pipes and piles shall be capped or otherwise modified to prevent use by birds. Caps or other modifications shall be put in place before or immediately after pipe or pile installation. All caps or other exclusionary modifications shall be maintained for the duration of construction and operation. A qualified biologist shall periodically monitor the site to ensure that all pipes or piles are appropriately capped.
2. Avian/Power Line Collision Avoidance and Minimization. Install bird flight diverters in accordance with the Avian Power Line Interaction Committee (APLIC) guidelines for reducing avian collisions with power lines. The applicant shall construct the 230 -kV transmission line in accordance with the applicable measures for installing bird flight diverters, of the most recent APLIC guidelines for minimizing avian collisions (Reducing Avian Collisions with Power Lines; APLIC 2012). Details of design components shall be indicated on all construction plans. The applicant shall monitor for new versions of the APLIC collision guidelines and update designs or implement new measures as needed during Project construction, provided these actions do not require the purchase of previously ordered transmission line structures. All bird flight diverters shall be maintained for the duration of construction and operation.
3. Avian Electrocution Avoidance and Minimization. Implement Project-specific design measures in accordance with the APLIC guidelines for minimizing avian electrocutions. The applicant shall construct and maintain all transmission facilities, towers, poles, and lines in accordance with applicable policies set forth in the most recent APLIC guidelines for minimizing avian electrocutions (Avian Protection Plan Guidelines; APLIC 2006). Specific APLIC guidelines to be incorporated into the design of the transmission lines to minimize avian electrocutions shall include the following:
  - a) Design the tops of structures to be safe for perching raptors.
  - b) Provide 60 inches separation between energized conductors and
    - i. energized conductors,
    - ii. grounded or neutral conductors,
    - iii. pole line hardware that could provide a perch or nesting place, and
    - iv. overhead shield wires, including optical ground wire shield wire.
  - c) Ensure that all exposed jumper cables are completely covered with a cover of a qualified insulation rating.
  - d) Ensure insulation of all energized arresters with covers and insulated cables.

Details of design components shall be indicated on all construction plans. The applicant shall monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during Project construction, provided these actions do not require the purchase of previously ordered transmission line structures.

Condition Compliance Status Report for PLN120294

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall submit documentation to the County, that avian impact avoidance and minimization features have been incorporated into the project design prior to issuance of grading permits. Biological monitoring reports (see B-1[ee]) will include discussions of monitoring of vertical pipes and pilings and that these features were capped to ensure avoidance of impacts to avian species during construction. Monitoring: The County shall ensure that all avian impact avoidance and minimization design features have been included in project design by the applicant.

Comments By Staff

Last Update on:

Updated By:

09/29/2015: Condition language printed on Sheet CV09 of corrected plans for 15CP01419 (Access Road and Bridge). Status changed to Partially met by Delinda Robinson 10/14/2015.

11/19/2015 3:02:35PM

ROBINSOND

41. MITIGATION MEASURE #31 - B-1(T) PRECONSTRUCTION SURVEYS AND AVOIDANCE OF WESTERN POND TURTLE

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

Preconstruction surveys shall be conducted for western pond turtle prior to initiation of construction activities, including mobilization and staging. All suitable aquatic habitat within the disturbance footprint plus 200 feet of adjacent upland habitat shall be surveyed for western pond turtles. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they shall be moved to a suitable location outside the disturbance footprint. The candidate sites for relocation shall be identified prior to start of construction and shall be located within similar size and type of habitat within the same drainage in which the individual was observed. If any pond turtle nests with eggs are found, the nests shall remain undisturbed until the eggs have hatched, if feasible. If avoidance of a nest is infeasible (e.g., if avoidance would result in an unacceptable delay in the project's schedule), or if the eggs are discovered only after the nest has been affected, any viable eggs shall be relocated by a qualified biologist to a suitable location outside the impact area. Egg relocation areas shall be identified by a qualified biologist based on pond turtle nesting biology. Any viable eggs shall be deposited in a hole and buried for thermal protection.

A final report outline the preconstruction survey results and identifying the number of animals moved shall be submitted to the County prior to the start of construction.

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall submit documentation to the County that no aquatic special status species were recorded on the project site, or that appropriate impact avoidance measures have been implemented to ensure avoidance of aquatic special status species prior to the start of construction activity.

Monitoring: The County shall ensure that the applicant is in compliance with aquatic special status species impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:02:54PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 42. MITIGATION MEASURE #32 - B-1(U) PRECONSTRUCTION SURVEYS AND AVOIDANCE OF WESTERN SPADEFOOT

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Before the start of construction, a qualified biologist shall conduct a preconstruction survey in and around areas of proposed disturbance during the time of year in which this species can be detected (i.e., during periods of suitable rainfall that result in pooling or the formation of other aquatic habitat) to determine the presence of western spadefoot toad and related habitat. During construction, and based on rainfall and temperatures (generally best between February and April), the qualified biologist shall conduct surveys in all appropriate aquatic breeding habitats and in adjacent upland habitats in the project impact area that are within 1200 feet of appropriate aquatic breeding habitats. Surveys shall include evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas of the site. If western spadefoot toads are detected within the area of disturbance, the qualified biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the range of western spadefoot toad. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The applicant shall submit preconstruction survey documentation to the County that no western spadefoot were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of impacts to western spadefoot prior to the start of construction activity.

Monitoring: The County shall ensure that the applicant is in compliance with western spadefoot impact avoidance and minimization measures.

**Comments By Staff**

**Last Update on:**

**Updated By:**

11/19/2015 3:03:04PM

ROBINSOND

Condition Compliance Status Report for PLN120294

43. MITIGATION MEASURE #33 - B-1(V) COMPENSATORY MITIGATION FOR WESTER SPADEFOOT

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If occupied breeding (aquatic) habitat for western spadefoot toad is detected and would be permanently affected, compensatory mitigation shall be implemented as follows:

Permanently affected occupied breeding habitat shall be replaced at a 2:1 ratio (mitigation area: affected area). To the extent that there is an overlap in habitat value and occupied habitat, preservation lands may be the same as those provided for other species, such as California red-legged frog and western pond turtle.

Any occupied breeding pond that would be permanently affected and cannot be preserved for western spadefoot toad shall not be disturbed or affected until replacement breeding habitat has been created. Once the replacement habitat is created, during surveys, all western spadefoot toad adults, tadpoles, and egg masses detected in the impact area shall be moved to the created pool habitat. If construction impacts on occupied breeding ponds would occur during the dry season, the replacement habitat must be in place prior to the beginning of the next wet season. Surveys in the vicinity of the affected pond shall take place during the wet season, and all western spadefoot toads detected shall be moved to the replacement habitat.

The mitigation breeding habitat shall be monitored and maintained until it is shown to be successful habitat for western spadefoot toad, or up to five years, whichever is shorter. Provision to make adjustments to remediate problems shall also be included in the HMMP in measure B-1(b).

Compensatory mitigation areas for western spadefoot can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for western spadefoot shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

CONDITION CONTINUED BELOW

Compliance or Monitoring Action to be Performed:

Compensatory mitigation areas for western spadefoot can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for western spadefoot shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

Mitigation Timing: Identification of the total acreage for mitigation for western spadefoot must be submitted to the county prior to the issuance of grading permits. All other timing to be consistent with measure B-1(a).

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:03:15PM

ROBINSOND

Condition Compliance Status Report for PLN120294

44. MITIGATION MEASURE #34 - B-1(W) CALIFORNIA TIGER SALAMANDER AND CALIFORNIA RED-LEGGED FROG RELOC,

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to the initiation of any other protective measures, a qualified biologist (i.e., biologist approved by USFWS and/or CDFW to translocate CTS and CRLF) shall, in consultation with USFWS and/or CDFW as applicable, identify appropriate relocation sites for any adult, juvenile, and larval CTS and CRLF that may be observed during the pre-construction survey or monitoring activities described below and need to be moved from within the limits of direct impact disturbance. Relocation or other take (e.g. entrapment) of CTS and CRLF can only be conducted by an authorized biologist and the project must have been issued the requisite take authorizations from CDFW and/or USFWS as applicable before any relocation activity can commence.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The applicant shall submit to the County documentation that CDFW and/or USFWS approved relocation sites for CTS and CRLF have been identified prior to issuance of grading permits.

Monitoring: The County shall ensure that CDFW- and USFWS-approved relocation sites have been identified by the applicant.

*Comments By Staff*

*Last Update on:*

*Updated By:*

11/19/2015 3:04:08PM

ROBINSOND

Condition Compliance Status Report for PLN120294

45. MITIGATION MEASURE #35 - B-1(X) CALIFORNIA RED-LEGGED FROG CONSTRUCTION BARRIERS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Before any ground disturbance within 200 feet of identified red-legged frog breeding and aquatic non-breeding habitats, temporary barriers shall be constructed between the limits of disturbance and these identified habitats to minimize the potential for California red-legged frogs to enter the project footprint during construction. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface. The ends of the barriers shall extend 50 feet beyond the 200-foot range of the identified habitats and hook away from the limits of disturbance. These barriers shall be inspected daily by construction personnel and maintained and repaired as necessary for the duration of construction to ensure that they are functional and are not a hazard to red-legged frogs on the outer side of the fence.

The qualified biologist shall monitor fence installation for presence of California red-legged frog. Any individuals detected during these surveys shall be moved to a safe location (e.g., aquatic pool habitat) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS to handle red-legged frogs. Such fencing might not be feasible for in-stream work or work in very rocky areas.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall submit to the County documentation that fencing has been installed prior to ground disturbing activity.

Monitoring: The County shall ensure that CRLF fencing is in place prior to the start of ground disturbing activity.

Comments By Staff

Last Update on:

Updated By:

11/30/2015 4:55:37PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 46. MITIGATION MEASURE #36 B-1(Y) CONSTRUCTION TIMING, PRECONSTRUCTION SURVEYS AND AVOIDANCE MEASUR

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** To avoid disturbing breeding frogs and to avoid potential spills into known breeding sites when eggs and tadpoles are present, construction activities shall be performed during the dry season to the extent practicable. Construction activities in or within 200 feet of occupied CRLF breeding habitat shall occur during the July--November period, if feasible, to avoid the period when red-legged frogs are breeding and the period when eggs or larvae are most likely to be present.

Preconstruction surveys shall be conducted for CRLF prior to initiation of construction activities, including mobilization and staging. All suitable aquatic habitat within the disturbance footprint plus 200 feet of adjacent upland habitat shall be surveyed. CRLF surveys shall consist of one nighttime survey and one daytime survey conducted by a qualified biologist within a 48-hour period before the onset of construction activities. If CRLF of any life stage are found, they shall be moved to the designated relocation sites identified under B-1(w).

To minimize impacts to California red-legged frog dispersing to breeding sites, during the breeding season (November through April), in areas within 200 feet of California red-legged frog aquatic habitat construction and construction-related activities shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April, when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS to handle red-legged frogs shall be present to monitor the activity for California red-legged frog. If a California red-legged frog is detected during this monitoring, it shall be moved to the pre-determined salvage site established under measure B-1(w).

A final report outline the preconstruction survey results and identifying the number of animals moved shall be submitted to the County prior to the start of construction.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The applicant shall submit documentation to the County that no aquatic special status species were recorded on the project site, or that appropriate impact avoidance measures have been implemented to ensure avoidance of aquatic special status species prior to the start of construction activity.

Monitoring: The County shall ensure that the applicant is in compliance with aquatic special status species impact avoidance and minimization measures.

**Comments By Staff**

**Last Update on:**

**Updated By:**

11/30/2015 4:55:52PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**47. MITIGATION MEASURE #37 - B-1(Z) COMPENSATORY MITIGATION FOR CALIFORNIA RED-LEGGED FROG**

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Compensatory mitigation shall be required for impacts to suitable habitat for CRLF. To mitigate for the permanent loss of CRLF upland habitat within one mile of known breeding habitat, the project Proponent shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at a 2:1 ratio (preserved habitat: affected habitat within one mile of known breeding habitat).

The compensatory mitigation must provide equal or greater habitat value than the project site. If the compensatory mitigation provides suitable breeding habitat for these species, the overall acreage for upland mitigation habitat shall be reduced by two times the acreage of the suitable breeding habitat (overall acres of upland required – [2 \* suitable breeding habitat acres]).

Compensatory mitigation areas for CRLF can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CRLF shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: Identification of the total acreage for mitigation for California red-legged frog must be submitted to the county prior to the issuance of grading permits, or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).

<i>Comments By Staff</i>	<i>Last Update on:</i>	<i>Updated By:</i>
<p><i>On 11/12/2015, consultant submitted a copy of CCF_PLN120294_11122015. Part 1 of condition 47 is completed. This condition is partially met. Ramon Montano, Assistant Planner.</i></p>	<p><i>12/23/2015 3:39:09PM</i></p>	<p><i>MONTANOR</i></p>

## Condition Compliance Status Report for PLN120294

### 48. MITIGATION MEASURE #38 - B-1(AA) CALIFORNIA TIGER SALAMANDER CONSTRUCTION BARRIERS

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to any ground disturbance, temporary one-way barriers approved by both USFWS and CDFW shall be constructed on the project site limits of disturbance wherever these limits intersect uplands located within 0.35 mile of the identified suitable breeding habitat of the project site. No barrier fence shall be installed along the Access Road, Utility Corridor or transmission line. The purpose of the barriers shall be to allow California tiger salamanders to exit the project site but minimize the potential for them to enter the project site impact areas from these potential breeding locations. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface and installed to allow salamanders to exit but not enter the area of disturbance by providing a one-way door, funnel, ramp, or similar device, every 100 feet. The ends of each barrier shall extend 50 feet beyond the 0.35-mile distance and hook away from the limits of disturbance if the limits of disturbance extend beyond the 0.35-mile distance. This barrier shall be installed prior to the start of the breeding season that precedes the start of construction to allow adult salamanders moving to the breeding ponds during this breeding season to exit the project site to breed but not re-enter the project site to seek refugia. During the breeding season, this barrier shall be inspected daily by construction personnel and maintained and repaired to determine if it is functioning properly and is not a hazard to tiger salamanders on the outer side of the fence. Damage observed at any time shall be reported so that repairs are made as necessary for the duration of construction to ensure that it is functional. A qualified biologist shall monitor fence installation for presence of California tiger salamanders. Any individual detected during this monitoring or at any time within construction limits shall be moved to a safe location identified in measure B-1(w) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS and CDFW to handle the tiger salamanders. This barrier shall be removed within 30 days after completion of construction.

Within 0.35 mile of the identified suitable breeding habitat of the project site, where installation of a silt fence is not feasible, ground-disturbing construction activities shall be limited to the non-breeding season to the extent practicable, and nighttime construction activities shall be minimized during the breeding season. In particular, to minimize impacts to California tiger salamanders that are dispersing to and from breeding sites during the breeding season (October through March), ground-disturbing construction activities along the access road, Utility Corridor and transmission line shall be limited to the non-breeding season, to the extent practicable. In addition, in areas within 0.35 mile of potential California tiger salamander breeding habitat that have not been fenced, construction and construction-related activities, such as deliveries, shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS and CDFW to handle tiger salamander shall be present to monitor the activity area for California tiger salamander. If a California tiger salamander is detected during this monitoring, it shall be moved to the pre-determined salvage site (as identified in mitigation measure B-1(w)).

Condition Compliance Status Report for PLN120294

Compliance or Monitoring Action to be Performed:

Prior to any ground disturbance, temporary one-way barriers, in conformance with the standards set forth in the condition, shall be approved by both USFWS and CDFW and shall be constructed on the project site limits of disturbance wherever these limits intersect uplands located within 0.35 mile of the identified suitable breeding habitat of the project site.

Comments By Staff

Last Update on:

Updated By:

11/30/2015 4:56:24PM

ROBINSOND

49. MITIGATION MEASURE #39 - B-1(BB) CALIFORNIA TIGER SALAMANDER DAILY PRE-ACTIVITY SURVEYS

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

During the winter and spring breeding season (October through April), a qualified biologist (i.e., a biologist approved by USFWS and CDFW to handle CTS or someone working under such a biologist) shall conduct a daily pre-activity survey of active construction areas within 0.35 mile of potential breeding ponds to detect any dispersing CTS. These surveys shall be conducted each morning prior to the initiation of construction in the area where construction is to occur. The qualified biologist shall inspect under all equipment or material stored in the area or to be moved, and along the barrier fence for California tiger salamanders. Any individual detected during these pre-activity surveys shall be moved to a designated relocation sites identified under B-1(w).

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall report results of daily pre-activity surveys within the biological monitoring reports required in measure B-1(ee) and submit these reports to the County as described in measure B-1(ee).

Monitoring: The County shall review monitoring reports to ensure that the applicant is in compliance with all mitigation measures related to CTS daily pre-activity surveys.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:06:06PM

ROBINSOND

Condition Compliance Status Report for PLN120294

50. MITIGATION MEASURE #40 - B-1(CC) COMPENSATORY MITIGATION FOR CALIFORNIA TIGER SALAMANDER

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Compensatory mitigation shall be required for impacts to suitable habitat for CTS upland habitat from all new facilities, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at the following ratios (preserved habitat: affected habitat): 2:1 for areas within 4,925 feet of a breeding pond, 1:1 for areas located between 4,925 feet and 6,125 feet of a suitable breeding pond, and 0.5:1 for areas located between 6,125 feet and 1.3 miles from a potential breeding pond.

Compensatory mitigation areas for CTS can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CTS shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

Compliance or Monitoring Action to be Performed: Mitigation Timing: Identification of the total acreage for mitigation for California tiger salamander must be submitted to the county prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:06:25PM

ROBINSOND

Condition Compliance Status Report for PLN120294

51. MITIGATION MEASURE #41 - B-1(dd) VERNAL POOL BRANCHIOPOD AVOIDANCE AND MITIGATION

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Wetlands found to contain populations of listed branchiopods on the project site and within 250 feet of the project site shall be avoided by implementing a buffer of 250 feet between the habitat and all grading, where feasible. This condition may be modified in consultation with USFWS if the water body is located upslope of the grading area or a reduced buffer would be sufficient for avoidance given existing site-specific conditions (such as proximity to existing roads). Roads to be widened that are directly adjacent to these wetlands shall be widened to the side away from the wetland where feasible. The road shall also be graded to drain runoff to the side away from the wetland. Project elements that do not substantially affect drainage patterns (such as areas where no grading is necessary) shall be located at least 50 feet from the wetlands found to contain listed branchiopods. If avoidances buffers cannot be maintained, any construction activity within the buffer area must be monitored by a qualified biologist to ensure no direct impacts to listed branchiopods.

If full avoidance of occupied habitat is not feasible, impacts to habitat occupied by listed branchiopods shall be mitigated as follows:

- 1. 2:1 preservation of occupied habitat (preservation mitigation area: impact area) and 1:1 creation of suitable wetland habitat (creation mitigation area: impact area) for direct impacts, or
2. 1:1 preservation of occupied habitat (preservation mitigation area: impact area) for indirect impacts.

Mitigation shall include preservation of occupied wetland habitats supporting the affected species. This habitat can be preserved in an offsite location and managed in accordance with the HMMP (B-1(d)). Alternatively, mitigation requirements can be satisfied by purchasing credits at a conservation bank approved by USFWS for these species. If the compensatory mitigation acreage provides suitable mitigation for other species, such as the San Joaquin kit fox or other species, the compensatory mitigation acreage may be used to provide mitigation for multiple species.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall include details on vernal pool branchiopod avoidance measures in biological monitoring status reports that are to be submitted to the County as outlined in B-1(u).

Monitoring: The County shall ensure that the applicant is in compliance with vernal pool branchiopod impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:06:42PM

ROBINSOND

Condition Compliance Status Report for PLN120294

52. MITIGATION MEASURE #42 - B-1(ee) CONSTRUCTION BIOLOGICAL MONITORING

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

Before the start of ground disturbance or site mobilization activities, qualified biologists shall be retained by the applicant. The applicant shall ensure that each qualified biologist has demonstrated expertise with the listed and/or special status plants, terrestrial mammals, birds, reptiles, and invertebrates of the region, such as San Joaquin kit fox, California red-legged frog, and burrowing owl. Expertise must include the ability to recognize listed/special status and common species of the region, as well as sign, including scat, pellets, tracks, hair, fur, feathers, dens, and burrows. One or more of the qualified biologists shall also, as necessary, have the ability to monitor, relocate, handle, and collect species, as authorized by CDFW and USFWS through the use of a Memorandum of Understanding (MOU), scientific collecting/incidental take permit, and/or federal take permit. The qualified biologist(s) shall be present during initial ground-disturbing activities immediately adjacent to or within habitat that supports populations of listed or special status species.

If a listed or special status species is encountered during Project construction, the following protocol shall be implemented:

1. All work that could result in death, direct injury, disturbance, or harassment of the individual animal shall immediately cease and the qualified biologist shall be contacted; and
2. The qualified biologist shall remove the individual animal to an appropriate relocation site outside the project impact areas, or the individual animal shall be allowed to leave unimpeded.

Construction shall resume, as directed by the qualified biologist(s), as soon as the individual animal either leaves or is removed from the area.

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall submit documentation to the County demonstrating that the applicant has contracted qualified biologists to conduct biological monitoring and that these biologists have been approved by CDFW and USFWS (as required) prior to issuance of a grading permit. The applicant shall also report results of daily biological monitoring activity to the County (through the Environmental Compliance Manager) on a monthly and annual basis through the preparation and submission of monthly summary monitoring reports, and annual monitoring reports. During construction, the annual written report shall describe the status of project construction, as well as the compliance and current implementation status of construction-related biological mitigation measures and general biological measures. The report shall be submitted to the County no later than 15 February of the following year.

Monitoring: The County shall ensure that the applicant's biological monitors are approved by CDFW and USFWS and shall review monitoring reports to ensure that the applicant is in compliance with all mitigation measures related to biological monitoring activities.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:06:53PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 53. MITIGATION MEASURE #43 - B-1(ff) SPECIAL STATUS ANIMAL SPECIES GENERAL AVOIDANCE MEAS. AND CONST. BA

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The following general avoidance measures and Best Management Practices (BMPs) shall be implemented to avoid and minimize impacts to special status animal species.

1. Prior to ground disturbance, all permanent and temporary disturbance areas shall be clearly delineated by stakes, flags, or another clearly identifiable system.
2. To minimize disturbance of areas outside the project site, all construction and operation vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas shall be included in pre-construction surveys and, to the extent possible, shall be established in locations disturbed by previous activities to prevent further impacts.
3. Construction and operation vehicles shall observe a 20 mile-per-hour (MPH) speed limit during daylight hours within Project areas, except on county roads and state and federal highways. During limited nighttime activities, all construction and operation vehicles shall observe a 10 MPH speed limit. Speed limit signs shall be installed at the project site entrance from the driveway, every one mile along the project site access road, and at the end points of the driveway upon initiation of site disturbance and/or construction. One electronic speed monitoring sign shall be placed in both directions, at the approximate midpoint of the driveway.
  - a) Due to the length of the approximately 5.6-mile-long driveway, USFWS recommended 20 MPH speed limits would be prohibitively slow and would negatively impact construction duration. Therefore, vehicles utilizing the access road (or "driveway") will observe a 25 MPH speed limit during daylight hours (7 AM–5 PM between 1 October and 31 May; and 7 AM–7 PM between 1 June and 30 September) and will observe a 20 MPH speed limit during the hours of 5 AM–7 AM and 5 PM/7PM–9 PM. During limited nighttime activities (9 PM–5 AM) within the driveway, all construction and operation vehicles shall observe a 10 MPH speed limit.
4. All construction pipes, culverts, or similar structures greater than four inches in diameter, or greater than 1.5 inches in diameter within areas where CTS or CRLF may be present, stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the pipe is subsequently moved, buried, capped, or otherwise used.
5. Materials that could provide shelter/nesting habitat for birds during the nesting season may be covered with netting or treated with other exclusion methods, where feasible and appropriate, to prevent birds from constructing nests. In addition, materials such as wooden pallets, wooden power poles, and metal tubing, providing nesting and shelter habitat for birds during the nesting season and artificial refugia for other special-status species shall be thoroughly inspected before use.
6. If encountered, wildlife within the project site shall be allowed to escape unimpeded, removed by a qualified biologist and placed in a designated safe area away from construction activities, or left in place when required by regulations, policies, permits, and/or conditions of approval. If wildlife removal by a qualified biologist is required, the qualified biologist shall be approved or permitted by CDFW and USFWS, as and if required by law, prior to removing such species.

CONDITION CONTINUED BELOW

## Condition Compliance Status Report for PLN120294

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

7. To prevent entrapment of special-status wildlife, all excavations (e.g., steep-walled holes, or trenches) more than six inches deep shall be covered with plywood or similar materials when not in use or fitted with at least one escape ramp constructed of earth dirt fill, wooden planks, or another material that wildlife could ascend. During the month of May excavations and trenches two-feet deep or greater shall be covered with plywood or similar materials when not in use, any excavations or trenches that cannot be covered when not in use shall be monitored daily to prevent entrapment of pronghorn calves. All excavations more than six inches deep shall be inspected daily for entrapped wildlife before construction activities begin and once immediately before being covered with plywood. Before excavations are filled, they shall be thoroughly inspected for entrapped wildlife. Any wildlife discovered shall be allowed to escape unimpeded before field activities resume or shall be removed from excavated areas by a qualified biologist and released at a safe nearby location.
8. Avoidance and minimization of impacts on sensitive biological resources within active construction areas shall be aided through identification of ESAs with flagging or fencing.
9. Dust suppression shall occur during construction activities when necessary to meet air quality standards and protect biological resources.
10. Disturbance of ponds and in-stream pools shall be avoided to the extent practicable. When feasible, and to the extent practicable, all in-stream work shall occur during the dry season.
11. To the extent practicable, existing mammal burrows shall be preserved in place.
12. No vehicles or equipment shall be refueled or undergo maintenance within 100 feet of a jurisdictional waters feature. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.
13. All general trash, food-related trash items (wrappers, cans, bottles, food scraps, cigarettes, etc.), microtrash (nails, bits of metal and plastic, small construction debris, etc.), and other human-generated debris scheduled to be removed shall be stored in animal-proof containers and removed from the site on a regular basis (weekly during construction, and at least monthly during operations). No deliberate feeding of wildlife or domestic animals shall be allowed.
14. To minimize potential for attracting predators that could impact special status animal species, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Proponent on a weekly basis during construction and operation. During construction, any road kill within the project site or Access Road shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an individual in possession of appropriate federal and state permits, if any are required.
15. New light sources shall be minimized, and lighting shall be designed (e.g., using shielding and/or downcast lights) to limit the lighted area to the minimum necessary.

CONTINUED IN NEXT CONDITION 53

*Comments By Staff*

*Last Update on:*

*Updated By:*

11/19/2015 3:07:03PM

ROBINSOND

Condition Compliance Status Report for PLN120294

53. MITIGATION MEASURE #43 - B-1(ff) SPECIAL STATUS ANIMAL SPECIES GENERAL AVOIDANCE MEASURES AND CONS

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CONDITION TEXT CONTINUED

16. Use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation. Use of first- and second-generation rodenticides shall not be permitted except for the limited use of zinc phosphide, or a rodenticide approved by the County, and only after other means of pest control (e.g. rodent traps) have proven to be ineffective.

17. To prevent harassment and mortality of listed, special status, and common wildlife species and destruction of their habitats, no domesticated animals shall be permitted on the project site, with the exception of grazing animals prescribed for vegetation management and trained working animals used specifically for livestock management or species surveys (e.g., horses, livestock working dogs, scent tracking dogs).

18. No firearms shall be allowed on the project site, unless otherwise approved for security personnel.

19. During construction, an annual written report shall be prepared describing the status of Project construction, as well as the compliance and current implementation status of construction-related biological mitigation measures and general biological measures. The report shall be submitted to the County no later than 15 February the following year.

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall include details on special status animal species general avoidance measures and construction BMPs in biological monitoring status reports that are to be submitted to the County as outlined in B-1(u).

Monitoring: The County shall ensure that the applicant is in compliance with special status animal species general avoidance measures and construction BMPs.

Comments By Staff

Last Update on:

Updated By:

11/30/2015 4:56:43PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**54. MITIGATION MEASURE #44 - B-1(gg) WORKER ENVIRONMENTAL AWARENESS PROGRAM**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall retain qualified biologists to prepare a Worker Environmental Awareness Program (WEAP) that shall be presented to all construction personnel and employees before any ground-disturbing activities commence at the project site. This presentation shall explain to construction personnel how best to avoid the accidental take of listed and impacts to other special status species during construction. The program shall consist of a brief presentation explaining listed and other special status species concerns to all personnel involved in the project. The program shall include a description of special status species potentially on the project site and their habitat needs; an explanation of the status of the species and their protection under the FESA, CESA, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and California Fish and Game Code; specific mitigation measures applicable to listed and other special status species; and the penalties for take.

The program shall also explain to construction personnel how to avoid impacts to jurisdictional waters, including wetlands. The program shall include a description of jurisdictional waters on the site, specifically permitted impacts to jurisdictional waters, measures to protect waters to be avoided, and maps showing the location of jurisdictional waters and permitted impacts. The program shall be recorded electronically, and all future facility employees shall be required to review the recording before the initiation of work on the project site.

The WEAP shall be implemented by the applicant before the start of ground disturbance and shall be continued through the construction phase for all construction personnel. A separate WEAP shall be implemented by the applicant before project operation, for all permanent project employees. This program shall include all the information above, as applicable to project operations.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The WEAP shall be submitted by the applicant to the County for approval prior to issuance of grading permits, and all staff must complete WEAP training prior to conducting any work on the project site.

Monitoring: The County shall ensure that all components of the WEAP training are fully implemented by the applicant.

**Comments By Staff**

**Last Update on:**

**Updated By:**

09/23/2015: Sign in sheets from Worker Environmental Awareness training on 09/16/2015 submitted. Status changed to On-going by Delinda Robinson 10/14/2015

10/27/2015 5:47:48PM

ROBINSOND

07/01/2015: Worker Environmental Awareness Program (WEAP) written document submitted by Tyler Potter on June 25, 2015 approved by Delinda Robinson 07/01/2015. Document saved into Accela as CCF\_PLN\_PLN120294\_062515. Copy of video requested

Condition Compliance Status Report for PLN120294

55. MITIGATION MEASURE #45 - B-2(a) VALLEY NEEDLEGRASS GRASSLAND AND WILDFLOWER FIELD HABITAT MITIGAT

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall mitigate permanent impacts to these habitats caused by grading, construction of new road surface, array construction, and structure and building placement by preserving and managing valley needlegrass grassland at a 2:1 mitigation ratio and wildflower field at a 1:1 mitigation ratio (mitigation area: impact area) for total acreages of these habitats as presented in Table 4.4-8.

This compensatory mitigation may be fulfilled in conjunction with other mitigation requirements, such as those for special status plant or animal species affected by the project and should be consistent with the conditions outlined in measure B-1(a), and shall be managed in accordance with the HMMP described in mitigation measure B-1(b).

Areas proposed for preservation and serving as compensatory mitigation for sensitive vegetation types must contain verified extant populations of the vegetation that would be impacted by the project. If existing floristic data has sufficient detail to classify and quantify wildflower fields to alliance level using currently accepted vegetation classification protocols outline in the Manual of California Vegetation, 2nd Edition (Sawyer et al. 2009) and the CDFW VegCAMP program, this data may be used to determine alliances and acreages required for compensatory mitigation. To demonstrate consistent quality and composition between mitigation sites and impacted sites, baseline plot data must be collected. Data collection must follow an accepted vegetation sampling methodology for cover, species composition, and species richness, and plot size must be appropriate for the community sampled. Guidance on minimum plot size is provided in the CDFW/CNPS Vegetation Rapid Assessment Method. Compensatory mitigation sites for sensitive vegetation must have similar or better native species cover, comparable species richness and composition, and meet alliance classification membership rules of the alliance, if any, for which mitigation is intended. The total number of baseline and mitigation site plots required to demonstrate consistency shall be determined by a qualified ecologist skilled in design of vegetation field sampling studies.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands in accordance with the timing outlined in measure B-1(a).

Monitoring: Monitoring will be conducted in accordance with the conditions outlined in measure B-1(a).

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:44:53PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 56. MITIGATION MEASURE #46 - B-2(b) HABITAT RESTORATION AND REVEGETATION PLAN

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Restore temporarily impacted habitats to prevent loss or degradation of sensitive communities and to preserve habitat functions and values for special status animal species. Areas where temporary, construction-related impacts have taken place shall be restored in accordance with a Habitat Restoration and Revegetation Plan (HRRP). The plan shall prescribe restoration actions needed to treat disturbed soils and vegetation, in order to restore disturbed areas. Only areas that were graded (i.e., where the soil resources were removed and replaced) shall be subject to active restoration; however, the vegetation in the temporarily disturbed areas on the project site and in the Access Road shall be monitored to ensure success, maintenance, and/or establishment of target habitat. The applicant shall contract a qualified restoration biologist, knowledgeable in grassland and wetland habitat restoration to developed the HRRP.

The HRRP shall set forth trigger points to identify where restoration shall be required in response to construction-related impacts. It shall also explicitly detail the process or processes required to restore habitats. The HRRP shall, at a minimum, include the following Project-specific information and sections:

1. Soils and Seed Bank Management

a) A soil baseline study shall be conducted, by a qualified restoration ecologist with soils expertise, to inform soil requirements relative to habitat restoration for temporarily disturbed areas of the site. The results of this study shall be included in the HRRP and will be used to inform the development of a topsoil harvest and stockpiling plan outlined in the HRRP, and will outline methods for preserving the seed bank present in the removed topsoil.

b) The HRRP shall include details for topsoil salvage, if needed, and proper storage, and shall identify areas within the construction footprint where topsoil is present, supports native vegetation or common non-native grasses characteristic of the grasslands on the site, does not support dense weed infestations, and can be salvaged and stockpiled for later replacement following ground-disturbing activities. The soil baseline study shall characterize topsoil by its depth to impervious layer, nutrient levels, texture, organic matter, permeability, and water-holding capacity.

c) The HRRP shall also identify areas where topsoil stockpiling and replacement would not be warranted due to low development of the existing seed bank and organic material. The harvesting, stockpiling, and spreading of topsoil and seed bank shall also be monitored by a qualified restoration ecologist with a soils background.

d) The HRRP shall require that at least 6 inches of topsoil be salvaged from the areas identified in the plan. These stockpiles shall not be mixed with spoil material, trash, materials such as road base or aggregate, or topsoil containing heavy weed seed banks. The allowable duration for stockpiling and management of stockpiles that will maintain healthy soil conditions shall be stipulated in the HRRP. The HRRP shall stipulate BMPs to discourage erosion of the topsoil stockpiles, including planting cover crops, roughening the pile, using fiber rolls, employing temporary stabilization measures, or other measures, as determined by the potential for erosion of the pile from rain and wind.

e) All redistribution of stored topsoil shall be completed prior to final site inspection (for the close of Project construction work).

## Condition Compliance Status Report for PLN120294

f) Soils temporarily disturbed by trenching activities shall be replaced immediately to the extent practicable following placement of cables, and the amount of time open trenches are left on site shall be minimized to the extent practical.

CONDITION CONTINUED BELOW

## Condition Compliance Status Report for PLN120294

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

2. Temporary Disturbance Mapping

a) The HRRP shall include detailed figures showing the areas proposed to be temporarily disturbed during Project construction. Such figures shall be updated as needed to reflect design changes and areas requiring active restoration actions.

3. Supplemental Restoration Actions

a) The HRRP will stipulate specific performance criteria that identify when areas require additional methods beyond topsoil replacement and soil restoration. In areas requiring active reseeding beyond topsoil replacement, the species composition proposed for reseeding shall be substantially similar to or improve on pre-construction vegetation community composition, excluding invasive non-native species and rare plant species. The latter may have very specific microhabitat requirements that may not be possible to replicate after disturbance. A range of seeding palettes will be stipulated in the HRRP, and these shall differ as needed between various habitat types. For example, native perennial grasses shall be required as a component of the palette for impacted areas of serpentine bunchgrass grasslands or Valley needlegrass grasslands. Non-native species that are dominant within and characteristic of disturbed habitats may be included, as long as they are not specifically prohibited by the project Vegetation and Invasive Species Management Plan (see measure B-2[c] below). The intent of the seeding palettes shall be to maintain or increase native species coverage, reduce establishment of damaging invasive species, and preserve current wetland vegetation types present on the site. A description of the preferred methods for planting (e.g., hydroseeding, drill seeding, aerial broadcast seeding, or others) within differing habitats or impact types shall be provided, as well as details regarding irrigation, if needed. If seed is to be collected for redistribution from onsite species, collection protocols and areas shall be outlined.

4. Monitoring

a) All areas subject to temporary disturbance and requiring restoration actions under the HRRP shall be monitored by a qualified restoration ecologist so that restoration success can be determined and relevant recommendations can be made for successful habitat establishment. Monitoring shall consist of both qualitative and quantitative assessment programs.

b) Both qualitative and quantitative monitoring shall be required in all restored areas for at least two years following construction. Failure to meet pre-defined success criteria after two years of at least average annual rainfall will trigger remedial actions; however, as vegetation growth is lower during below-average rainfall years failure to meet success criteria during years with lower than average rainfall will simply entail a longer monitoring duration until it can be determined that the restoration success requires remedial actions and the site is not simply being affected by below-average rainfall. Average rainfall is defined in this context as the 30-year average for the site (1981–2010), established by the Parameter-elevation Regressions on Independent Slopes Model (PRISM) Climate Group, or 13.12 inches per year (PRISM 2013). The actual annual rainfall must be measured using an onsite rain gauge, and if the actual measured precipitation does not meet this level by the end of the rainy season, these monitoring results will still be reported, but monitoring will continue until the monitoring data set includes at least two years in which this precipitation level is met or until success criteria are met in two monitoring years.

CONDITION CONTINUED ON NEXT CONDITION 56

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:47:20PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 56. MITIGATION MEASURE #46 - B-2(b) HABITAT RESTORATION AND REVEGETATION PLAN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: c) Qualitative survey results shall discuss species composition, growth and survivorship, germination success, invasive plant infestations, and areas where restoration was not successful in re-establishing adequate vegetation cover to prevent erosion and sedimentation-related impacts. Qualitative monitoring shall occur on a quarterly basis for the first year. This timing shall allow remedial actions to be identified and enacted as necessary following restoration to achieve success criteria in advance of the final success/failure determination. Monitoring reports shall be submitted to the County every six months (after two qualitative monitoring events) for the first year following restoration. Qualitative monitoring shall then occur once per year in conjunction with quantitative monitoring until two years of average rainfall have occurred or until successful restoration is achieved via attainment of the pre-defined success criteria. d) Quantitative monitoring shall occur annually for years one and two, or longer until pre-defined success criteria are met in two years of monitoring as described above. As described above, failure to meet success criteria during below-average rainfall years will lengthen monitoring duration, but will not necessarily require the commencement of remedial actions until and unless it is determined in a year with normal precipitation these criteria are still not being met. In year one, quantitative monitoring shall take place in January, April, and July. In year two and in any subsequent years that this monitoring is required due to low rainfall and/or failure to meet success criteria, monitoring shall occur in May. e) The HRRP will establish pre-defined success criteria for both qualitative and quantitative monitoring activities. A qualified restoration ecologist shall use baseline vegetation data from the impact areas or from reference areas to set comparative success criteria across the site. The success criteria will be defined separately for each habitat type. These criteria will: 1) identify the duration of monitoring sufficient to indicate that the restoration habitat is on a clear trajectory toward successful establishment if this differs from the minimum two years required (e.g., if a given habitat takes six years to reach full maturity, one might monitor it for three years to establish the restoration trajectory), 2) specify interim quantitative habitat performance criteria that can be used to track habitat development at intervals during the monitoring period- these may either be predetermined based on a vegetation survey of the impacted habitat or may be tied to reference sites, 3) specify final quantitative success criteria for each habitat that indicate that the habitat is likely to ultimately develop functions and values comparable to the impacted habitat, and 4) specify final qualitative and quantitative success criteria that demonstrate that the restoration areas exhibit minimal erosion and that invasive plant species cover does not exceed that of reference habitats. f) Quantitative monitoring shall be conducted in one-square-meter quadrats and shall include the following data at a minimum:

- i. Species composition and cover data
- ii. Bare ground cover data
- iii. Canopy height
- iv. Hydric soil indicators (in wetlands)

CONDITION CONTINUED BELOW

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

g) These data shall be used to measure and report native species coverage, native and non-native species recruitment, and hydrology within restored wetlands, and to compare these to the pre-established success criteria. Based on these results, the restoration ecologist shall make specific recommendations for remedial actions, if required. Reports shall be submitted to the County twice annually for the first year of monitoring (by 31 January and by 31 July) and once annually by 31 January during all subsequent years of monitoring. Each HRRP monitoring report shall include the following information at a minimum:

1. The name, title, and company of all persons involved in restoration monitoring and report preparation
2. Maps or aerials showing restoration areas, transect locations, and photo documentation locations
3. An explanation of the methods used to perform the work
4. An assessment of the treatment success.

Mitigation Timing: The HRRP shall be submitted by the applicant to the County for review and approved by the County prior to issuance of grading permits.

Monitoring: The County shall ensure that all components of the HRRP are fully implemented by the applicant.

**Comments By Staff**

**Last Update on:**

**Updated By:**

11/19/2015 3:08:00PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 57. MITIGATION MEASURE #47 - B-2(c) PROJECT VEGETATION AND INVASIVE SPECIES MANAGEMENT PLAN

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Before the construction permit is issued, the applicant shall retain a qualified restoration or plant ecologist with rangeland management experience to prepare a Project-specific Vegetation and Invasive Species Management Plan (PVIMP), to be administered during operation of the project in the array fields and other applicable areas of the project site. The comprehensive plan shall be intended to maintain acceptable fuel loads and prevent the introduction or spread of non-native invasive species associated with the disturbance resulting from the project.

The PVIMP shall be an adaptive management tool. Vegetation management strategies and weed control efficacy shall be evaluated over time. Modifications to the strategies used or to the techniques used to accomplish each strategy shall be implemented based on results, experience, and the latest research. If grazing is not feasible on the project site, comparable alternative methods of vegetation management (e.g., mowing) may be used.

The PVIMP shall also describe BMPs to avoid the unintentional introduction of invasive species to and from the site, describe monitoring measures to ensure that any invasions are detected before they become substantial, and describe species-specific control measures that shall be implemented if invasions occur.

The PVIMP shall be submitted to the County, CDFW, and USFWS prior to the notice to proceed, and shall address the entire project site. This submittal shall further describe the process by which the PVIMP shall be implemented (e.g., the entity responsible for implementing it, funding mechanisms, and reporting procedures). The PVIMP shall include, but is not limited to, the following:

1. detailed measures to promote the persistence of native grassland species, including listed and rare plant species in the vicinity of, but not removed by, the project;
2. a description of exclusion fencing, if warranted to protect avoided riparian habitats and jurisdictional waters within the arrays;
3. in areas subject to grazing management, development of an RDM monitoring plan that shall inform adaptive management and the rates, timing, and duration of livestock grazing actions planned from year to year, determined by annual climatic patterns and the response of herbaceous vegetation to impacts from the solar panels and plant operations (e.g., panel washing);
4. a plan for adaptive strategies to manage grazing or other vegetation management actions to benefit native wildlife and vegetation and avoid or minimize the establishment of invasive weeds, to the degree practicable;
5. a description of alternate acceptable vegetation control methods and triggers for their use, including weed whacking, mowing, herbicides, and others;
6. a description of annual monitoring stipulated for weeds within the project site and measures for controlling weeds, both prior to ground disturbance and annually during operation of the project;
7. a plan for the use and application of herbicides, which may be prescribed only by a licensed Pest Control Advisor and applied only by a licensed applicator; specific prohibitions on herbicide use and application (e.g., no application of herbicides when winds are in excess of 10 MPH or within 50 feet of wetlands) including

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prohibition near amphibian habitat shall be included;
8. a detailed plan for the washing of all ground-disturbing equipment before it is transported to the site or is used at another site, and for washing equipment within the site if it has worked in infested areas before being used elsewhere on the site;
9. a detailed plan for preventing the spread of New Zealand mud snails within the site; the plan shall include thorough washing of equipment and the footwear of construction personnel, or drying for two weeks following work in wetted stream channels that may support the species; and

CONDITION CONTINUED BELOW

Compliance or Monitoring Action to be Performed:

10. details for placing and maintaining an onsite wash station for washing heavy equipment that has worked in infested areas before moving elsewhere on the site, and performance criteria for the control and disposal of wash water and collected sediment; and treatment and disposal requirements for weed-infested topsoil.

Mitigation Timing: The PVIMP shall be submitted by the applicant to the County, CDFW, and USFWS for review and approved by the County prior to issuance of grading permits.

Monitoring: The County shall ensure that all components of the PVIMP are fully implemented by the applicant.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:47:03PM

ROBINSOND

58. MITIGATION MEASURE #48 - B-2(d) MIXED OAK WOODLAND AVOIDANCE AND MINIMIZATION

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

If oak woodlands occur in or adjacent to (i.e., within 25 feet of) the project impact area, an International Society of Arboriculture (ISA)-certified arborist shall establish a buffer of 25 feet from the driplines of native trees in the oak woodland habitat. No ground-based construction activities, including trimming of trees, shall be allowed within the buffer unless monitored by an ISA-certified arborist. All buffers shall be marked using highly visible flagging or fencing.

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall submit documentation that either no oak woodlands or individual oaks were recorded within 25 feet of proposed impact areas, or that appropriate avoidance measures have been implemented to ensure avoidance of oaks and oak woodlands prior to issuance of grading permits.

Monitoring: The County shall ensure that the applicant is in compliance with oak woodland impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:46:45PM

ROBINSOND

Condition Compliance Status Report for PLN120294

59. MITIGATION MEASURE #49 - B-2(e) RIPARIAN/STREAM HABITAT SETBACKS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

As discussed above, some improvements near and within riparian habitats and streams would be necessary to construct road and fence crossings, stabilize banks, and construct other Project improvements. In other locations, where complete avoidance of reaches of perennial and intermittent streams is proposed, Project activities and Project work limits shall include a standard 50-foot setback from the top of bank or the outer dripline of the riparian canopy of the avoided stream reaches. The 50-foot setback shall apply to the avoided reach length. In isolated locations it may be necessary to place structures within 50 feet of the avoided drainage and a full 50-foot setback is not feasible, a minimum 25-foot setback shall be observed from avoided perennial or intermittent riparian habitat in all locations (i.e., work limits may come no closer than 25 feet from the top of bank or the outer canopy dripline in any specific area along the avoided reach). Where existing roads occur parallel to and within 50 feet of avoided perennial or intermittent streams, it will be impossible to maintain a 50-foot average setback or even a 25-foot minimum setback, because even to realign the road, work near the avoided streams would be required. In these cases, Project activities and Project work limits shall be set back 10 feet from the top of bank. All work that must occur within the 50-foot setback shall be monitored by an authorized biologist to ensure direct impacts to sensitive habitat are minimized, and all impacts to special status species are avoided. Riparian setbacks and all riparian habitat to be avoided by the project shall be fenced or flagged before construction occurs in adjacent areas. A biological monitor shall be present to ensure compliance with off-limits areas.

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall submit documentation that appropriate avoidance measures have been implemented to ensure avoidance of all riparian habitat prior to issuance of grading permits.

Monitoring: The County shall ensure that the applicant is in compliance with riparian habitat impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:46:33PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 60. MITIGATION MEASURE #50 - B-2(f) STREAM CHANNEL AVOIDANCE AND MINIMIZATION

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** To prevent high-velocity water flow from causing bank downcutting at downstream locations, any improvements related to road realignment, widening, or the ability of the road to convey heavy equipment for construction shall be designed to minimize alterations to natural flow patterns and capacity, consistent with the design-level drainage analysis.

Improved outfalls, channel stabilization, rock weirs, rock cross vanes, and other measures associated with crossing improvements shall be installed as necessary, but the use of large riprap shall be avoided or minimized to the extent feasible.

Grade-control structures and structures such as weirs shall be designed in consultation with a qualified geomorphologist, to determine the least amount of fill and structures needed to achieve stabilization goals, and to ensure that stabilization structures and improvements shall not themselves cause additional unwanted channel instability. Similarly, rerouted drainages shall be assessed by a qualified geomorphologist or hydrologist to ensure that drainage patterns downstream of the rerouted reach shall not be affected. Where present, cobble substrates within the reaches of streams to be rerouted shall be collected and replaced within the rerouted reaches.

A single new clear-span bridge shall be installed over Cottonwood Creek. For the purposes of construction, no low-water crossings shall be allowed within perennial streams. Additionally, culvert crossings shall be installed in primary access locations over intermittent streams that carry flows for long periods (weeks or months) of typical wet seasons, whenever feasible. Permanent low-water crossings in intermittent or ephemeral streams that may be subject to heavy use during construction or operations, or which must be accessible throughout the rainy season and during storm events, shall be improved (to protect the bed and banks from erosion) using keyed aggregate, armor block, or similar materials that do not erode out during heavy storm flows. Where unimproved low-water crossings are used, such as the unimproved aisleway crossings between panel blocks over ephemeral streams, these crossings shall not be accessed during periods of active flow, or when the soil of the bed and banks are wetted and subject to erosion, compaction, or bank damage by vehicles.

Construction will not occur within wetted channels. For construction that must occur in streams carrying active flows, the stream habitat and water quality in the stream shall be protected through dewatering. Any construction that must occur in these habitats in the wet season (typically, 15 October to 15 April) will take place only when soils are not wetted (i.e., not during or after storm events, allowing for a sufficient drying period after rain events), and construction shall not occur when rain is forecast to occur with a 30% or greater chance within the next 24 hours. Sufficient erosion control materials must be kept on the site and be ready for installation in case construction must cease in streams due to a forecast rain event, as per the project-specific Storm Water Pollution Prevention Plan (SWPPP).

## Condition Compliance Status Report for PLN120294

Compliance or  
Monitoring  
Action to be Performed:

Mitigation Timing: The applicant shall submit documentation that appropriate avoidance measures have been implemented to ensure avoidance of all stream channels prior to issuance of grading permits.

Monitoring: The County shall ensure that the applicant is in compliance with stream channel impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:46:19PM

ROBINSOND

### 61. MITIGATION MEASURE #51 - B-2(g) DIRECTIONAL BORING AVOIDANCE AND MINIMIZATION

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation  
Monitoring Measure:

As discussed above, directional boring, or in some cases, overhead lines, shall be used in place of open trenching wherever open trenching would require grading of banks to access steep, deeply incised drainages. Wherever directional boring is to occur, a frac-out plan shall be developed and implemented to avoid potential water quality impacts related to this activity. If frac-out occurs, the affected stream reach shall be restored to pre-existing conditions, and the impact shall be mitigated as per mitigation measure B-2(j).

Compliance or  
Monitoring  
Action to be Performed:

Mitigation Timing: The Frac-out Plan shall be submitted by the applicant to the County for approval prior to issuance of grading permits.

Monitoring: The County shall ensure that all components of the Frac-out Plan are fully implemented by the applicant.

Comments By Staff

Last Update on:

Updated By:

On 6/2/2016 First Solar submitted the Frac-Out plan for the County to review per MM51 B-2(g). The plan was approved. Monitoring to continue and ensure that all components of the Frac-out Plan are fully implemented by the applicant. The condition is met. Ramon Montano, Assistant Planner.

7/13/2016 3:45:21PM

MONTANOR

08/03/2015: Per memo from McCarthy "Avoided Conditions of Approval" received 08/03/2015, McCarthy will not be using directional boring. All underground work will be done through trenches. No frac-out plan is required. See CCF\_09\_61\_97\_PLN\_PLN120294\_080315. Condition cleared by Delinda Robinson.

## Condition Compliance Status Report for PLN120294

### 62. MITIGATION MEASURE #52 - B-2(h) SHOW STREAMS AND RIPARIAN HABITAT, AND ASSOCIATED SETBACKS, ON CON

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** To facilitate site management and ensure avoidance of these sensitive features, all streams and riparian habitat shall be clearly delineated on plan sets. The plan sets shall also show avoided reaches and setbacks adjacent to Project improvements. Additionally, all riparian and stream locations subject to impacts shall be clearly delineated on Project plan sets. The plan sets shall depict temporary, construction-related low-water road crossings through intermittent and ephemeral streams, as well as crossings through minor drainages between panel blocks needed for operational access to the arrays; these crossing types would require no improvement such as grading or aggregate placement. Zones within solar arrays where ephemeral streams and associated riparian habitat would be impacted for solar panel footing placement, where access would be required along the length of the stream, shall also be depicted. Any subsets of these impacted reaches where slopes are too steep to move equipment across safely or without excessive bank damage, or areas that cannot be safely crossed without the aid of planned improvements such as culverted temporary fill, shall be depicted and flagged on the ground; access shall not be allowed in these areas unless by way of the planned improvements. No construction- or operation related vehicular access shall occur through riparian or stream habitats on the site outside of the designated crossing and temporary impact zones.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: Construction drawings depicting stream and riparian setbacks shall be submitted by the applicant to the County, for approval prior to issuance of grading permits.

Monitoring: The County shall ensure that all stream and riparian setbacks have been appropriately established by the applicant.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/27/2015 5:45:46PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 63. MITIGATION MEASURE #53 - B-2(i) RIPARIAN/STREAM MITIGATION

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Perennial stream/channel wetlands and associated riparian habitat shall be preserved and enhanced to compensate for permanent impacts to riparian and stream habitats, in a manner that achieves no net loss in acreage or function, and should be consistent with the USFWS Recover Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible. Enhancement of the preserved habitat shall be site-specific, according to opportunities available at the preservation site and may include riparian vegetation plantings, weed removal, and alteration in grazing management such as changes in stocking, timing, or installation of riparian exclusion fencing. Permanent impacts to perennial streams and the associated riparian habitat shall be mitigated at a 3:1 ratio (linear feet of stream and associated riparian corridor preserved and enhanced: linear feet of perennial stream and associated riparian corridor impacted); impacts to intermittent streams shall be mitigated at a 2:1 ratio (linear feet preserved and enhanced: linear feet impacted); and impacts to ephemeral streams shall be mitigated at a 1:1 ratio (linear feet preserved: linear feet impacted). The design, monitoring schedule, and success criteria for the mitigation site shall be described in a Project Wetland Mitigation and Monitoring Plan (described in detail in mitigation measure B-3(d), below) that demonstrates no net loss in acreage or function. Preserved riparian corridors, and any surrounding uplands above the top of bank within the area to be preserved, shall be placed in a conservation easement or similar legal mechanism and managed in perpetuity.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands consistent with the timing outlined in mitigation measure B-1(a).

Monitoring: Monitoring for riparian/stream mitigation shall be consistent with the monitoring conditions outlined in mitigation measure B-1(a).

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/27/2015 5:45:22PM

ROBINSOND

Condition Compliance Status Report for PLN120294

64. MITIGATION MEASURE #54 - B-3(a) WETLAND AVOIDANCE AND MINIMIZATION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Impacts to wetlands and other waters shall be avoided to the extent feasible. In consultation with a wetland ecologist, the project shall be designed, constructed and operated to avoid and minimize impacts to wetlands and other waters to the extent feasible, which may include minor changes to the panel layout and roadway configurations to avoid wetlands. General Project staging and laydown activities shall not occur within wetlands during construction. To avoid unnecessary egress into wetlands, all wetlands in the project impact area shall be clearly shown on Project plans and the limits marked with highly visible flagging, rope, or similar materials in the field. Access allowed within these features for the purposes of construction in and near such features (e.g., road crossings, pile placement, trenching) shall be clearly delimited on Project plan sets, and these allowed work limits shall also be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits. Where necessary, silt fencing or other measures may be used to protect adjacent wetlands from sediment transport or other indirect impacts that could result from adjacent construction. During the operation of the solar facility, maintenance activities shall not be staged within wetlands. Wetlands and other waters within construction areas that are to be avoided shall be fenced or flagged for avoidance prior to construction, and a biological monitor shall be present to ensure compliance with off-limits areas. All jurisdictional wetlands and waters shall be clearly shown on Project plan sets.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall submit documentation to the County that appropriate wetland avoidance and minimization measures have been implemented prior to issuance of grading permits.

Monitoring: The County shall ensure that the applicant is in compliance with wetland impact avoidance and minimization measures.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:45:09PM

ROBINSOND

Condition Compliance Status Report for PLN120294

65. MITIGATION MEASURE #55 - B-3(b) WELL PLACEMENT HYDROLOGY STUDY

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To mitigate for potential impacts from groundwater pumping that may affect the active hydrology at New Well 1, the applicant shall contract a qualified hydrologist to perform a detailed, area-specific study for all newly proposed wells, prior to well construction. The Well Placement Hydrology Study (WPHS) shall determine the potential vulnerability and the expected effects of any new well (including calculated acreages of impacts), as well as the anticipated construction water demands on nearby wetlands and the downstream waters fed by such wetlands. To the extent feasible, all new wells shall be sited with sufficient setback from groundwater-fed wetlands such that temporary impacts to W19 and other wetlands shall be avoided or minimized. If a new well must be sited in an area where impacts to W19 or other wetlands cannot be ruled out (or limited to no more than one rainy season) by the hydrologic study, mitigation measure B-3(c) shall apply, and the applicant shall consult with CDFW, USACE and RWQCB, as applicable, to determine if permitting is required.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The WPHS shall be submitted by the applicant to the County for review and approval prior to issuance of grading permits.

Monitoring: The County shall ensure that all components of the WPHS are fully implemented by the applicant.

Comments By Staff

Last Update on:

Updated By:

11/19/2015 3:13:50PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

**66. MITIGATION MEASURE #56 - B-3(c) MONITOR WELL IMPACTS TO WETLANDS**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** In the event that the hydrologic study cannot rule out permanent or temporary impacts to New Well 1 lasting longer than one rainy season, or to other groundwater-fed wetlands at new well locations, wetland dewatering impacts monitoring shall be included in the Construction Management Plan. Under this plan, the potentially affected features shall be monitored to determine the extent of adverse effects and duration of loss of, or reduction in, wetland functions and values. The monitoring plan shall require, at a minimum:

1. ambient monitoring, including groundwater monitoring conducted to establish a baseline of the conducted to establish current conditions in the year prior to Project implementation;
2. compliance monitoring, to determine the spatial extent (as defined per USACE routine delineation methods) and duration of hydrological interruption impacts to wetland vegetation and hydrology in the affected wetland and any streams fed by the wetlands; and
3. post-closure monitoring conducted for one year after the well is abandoned, or until a 90% success criterion has been met, to quantify groundwater levels after use of the well ceases and confirm that wetland acreage, functions, and values provided by the affected wetlands have returned to within 10% of pre-Project conditions (established during baseline monitoring and as per the USACE-approved Project wetland delineation mapping of the feature shown on Figure 4.4-2a).

As part of the monitoring plan, quarterly reports shall be provided to the County on observed hydrological impacts. Compensatory mitigation shall be provided per mitigation measure B-3(d) based on the extent and duration of wetland impacts quantified through monitoring.

**Compliance or Monitoring Action to be Performed:** Mitigation Timing: The applicant shall submit documentation that either all impacts to wetlands from well development have been avoided or compensatory mitigation measures have been implemented prior to the first of the project's final inspections, or within 12 months of issuance of grading permits, whichever comes first. The applicant shall also submit quarterly monitoring reports to the County, RWQCB, and/or USACE.

Monitoring: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to wetland impacts from well development.

**Comments By Staff**

**Last Update on:**

**Updated By:**

5/14/2015: Construction Management Plan submitted by Tyler Potter for review and approval.  
(Laura Lawrence, RMA Services Manager)

10/27/2015 5:44:19PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 67. MITIGATION MEASURE #57 - B-3(d) WETLAND HABITAT MITIGATION

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation Monitoring Measure:** To compensate for permanent impacts to wetlands on site, offsite wetlands shall be created, preserved, and managed in perpetuity at a 2:1 mitigation ratio (acres created and preserved: acre impacted). Permanent loss includes all wetlands affected by permanent fill placement (which may occur, for example, from mass grading or new road or structure placement, including panel footing placement). In the areas of seasonal wetlands under solar panels (i.e., not the area affected by fill placement but the remainder of the wetland area under the array), some degradation of the wetland is expected; however, it is also anticipated that these areas would continue to provide residual wetland functions and values in at least a portion of the affected wetland. As such, these areas shall be mitigated through creation of offsite wetlands at a 1.5:1 ratio (acres created and preserved: acre impacted). Permanent impacts to wetlands within streams that will be affected by construction of road crossings (see Impact B-2) shall be mitigated by creating off-site wetlands at a 1:1 ratio; these areas shall also be mitigated through preservation and management of riparian and stream habitat (see mitigation measure B-2[i]). By concurrently providing 1:1 wetland creation mitigation for such impacts, no net loss of wetlands will occur, and lost values and functions will be compensated (Table 4.4-9).

Temporary impacts to wetlands and other waters shall be mitigated through onsite restoration as described in mitigation measure B-2(b) (HRRP), if impacts are restored within a single year, with most restoration expected to occur at the onset of the rainy season to enhance germination success (i.e., areas impacted in a given year must be restored prior to 1 March of the following year to be considered temporary and require no additional mitigation). Areas of construction access-related temporary impacts that cannot be restored prior to 1 March the following year and would remain exposed during the dry season shall be restored the following fall. Compensatory mitigation for such long-term temporarily impacted areas shall be provided at the offsite location at a ratio of 0.5:1 of wetland creation (acres created and preserved off site: acres temporarily impacted for more than one rainy season). Impact areas left unrestored for two rainy seasons shall be compensated off site at a 1:1 ratio, and additionally shall be restored on site. Temporary impacts to groundwater-fed wetlands due to hydrological interruption from a new well(s) shall be determined per mitigation measure B-3(c) and shall be mitigated off site at a ratio of 1:1 if success criteria are met and the wetlands are restored to pre-Project function within three years of the date of well construction. If functions and values are lost for more than three years, the impacts shall be considered permanent, and compensatory mitigation shall be provided at a 2:1 ratio (Table 4.4-9). Permanent impacts to any streams fed by such wetlands shall be mitigated as per mitigation measure B-2(i). Table 4.4-9 below provides a summary of the various mitigation ratio requirements for each impact type. The permanent protection and management of the constructed mitigation wetlands shall be ensured through an appropriate mechanism, such as a conservation easement granted to a public or private entity authorized by Section 815.3 of the California Civil Code to acquire and hold conservation easements, deed restriction, or fee title purchase.

## Condition Compliance Status Report for PLN120294

[SEE PAGE 4.4-179 IN THE DRAFT EIR FOR TABLE 4.4-9: Mitigation Ratios for Wetland Impacts (Ratios to Be Applied to Actual Impacts Determined from Construction Plans and Well Monitoring)]

A project-specific Wetland Mitigation and Monitoring Plan (WMMP) shall be prepared by a qualified restoration ecologist and shall include, at a minimum, the following information:

CONDITION CONTINUED BELOW

## Condition Compliance Status Report for PLN120294

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

A project-specific Wetland Mitigation and Monitoring Plan (WMMP) shall be prepared by a qualified restoration ecologist and shall include, at a minimum, the following information:

1. wetlands and waters impacts summary (as described by MM B-48 and this measure) and habitat mitigation actions;
2. goals of the restoration to achieve no net loss;
3. a map depicting the location of the mitigation site(s) and a detailed description of existing site conditions; and
4. a detailed description of the mitigation design, including:
  5. location of the new wetlands;
  6. proposed site construction schedule;
  7. description of existing and proposed soils, hydrology, geomorphology, and geotechnical stability, as well as results of applicable soils testing conducted at the mitigation site;
  8. a detailed description of the steps required for site preparation and a conceptual grading plan—a formal package for plan sets, specs, and estimates for the grading and mitigation construction work shall be prepared based on the concepts set forth in the WMMP no fewer than fifteen days prior to starting work at the mitigation site;
  9. a description of recommended soil amendments and other site preparation;
  10. development of a planting plan including details on plant procurement, if necessary, propagation, allowable species for seeding and relative pounds/acre, and application;
  11. maintenance plan for the created wetlands and riparian plantings;
  12. a description of specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional wetland per USACE methods within five years of construction, minimum riparian tree and canopy cover measures in the enhanced stream reaches within ten years of restoration, and others;
  13. monitoring methods for vegetation and soils, and measures stipulating quantitative monitoring to occur once per year for at least five years following construction of the wetlands or until success criteria are met;
  14. a list of reporting requirements and reporting schedule; and
  15. a contingency plan for mitigation elements that do not meet performance or final success criteria within five years for created wetlands and ten years for riparian enhancement; this plan shall include specific triggers for remediation if performance criteria are not being met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur.

Mitigation Timing: The applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of recorded easement(s) shall be submitted to and approved by the County consistent with the timing outlined in mitigation measure B-1(a). The applicant shall consult with CDFW on the requirement for Lake and Streambed Alteration Agreement (LSAA; Fish and Game Code 1600) for waters subject to CDFW jurisdiction.

Monitoring: Monitoring for wetland mitigation shall be consistent with the monitoring conditions outlined in mitigation measure B-1(a).

*Comments By Staff*

*Last Update on:*

*Updated By:*

10/27/2015 5:44:04PM

ROBINSOND

Condition Compliance Status Report for PLN120294

68. MITIGATION MEASURE #58 - B-4(a) PRONGHORN CALVING GROUND AVOIDANCE AND MINIMIZATION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Disturbance of pronghorn calving grounds shall be avoided to the extent practicable. No pronghorn calves have been observed on the project site to date. Preconstruction surveys for calving pronghorn shall be conducted within the calving season (1 April through 30 June), and if calves are detected, a 0.25-mile limited activity buffer shall be established to ensure that the calves and doe are not distressed. The buffer distance may be modified in consultation with CDFW. The buffer shall be flagged with material highly visible to construction personnel, and maintained as necessary. Construction may resume within the buffer when directed by the qualified biologist.

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall submit documentation to the County and CDFW that either no calving pronghorn were present on the site at the time of preconstruction surveys, or that all avoidance measures have been implemented for avoiding impacts to calving pronghorn.

Monitoring: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to pronghorn calving.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:43:51PM

ROBINSOND

Condition Compliance Status Report for PLN120294

69. MITIGATION MEASURE #59 - B-4(b) PRONGHORN-FRIENDLY FENCE DESIGN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

As part of the management of mitigation sites required in mitigation measure B-1(a), new pronghorn-friendly fencing shall be installed to improve the movement of pronghorn both on and through mitigation sites where applicable. This requirement shall not apply to existing fencing or fencing installed to preclude cattle from sensitive resources such as restored or protected wetland or riparian habitats. The HMMP (mitigation measure B-1[b]) for these sites shall contain the following requirements:

1. Identification of likely and feasible pronghorn movement pathways on the mitigation sites;
2. Removal of nonessential fencing on the mitigation sites where not in conflict with adjacent land management practices;
3. Incorporation of measures to increase visibility of existing fencing (high-visibility wire, PVC covers, vinyl markers, flagging, etc.), as appropriate;
4. Incorporation of fencing modifications, where not in conflict with adjacent land management practices, such as replacing barbed wire with smooth wire on the lower and possibly upper wires of the fence), designed to enable movement by pronghorn through the likely and feasible pathways on mitigation sites;
5. Placement of fencing at potential risk areas to encourage movement away from dangerous roads; and
6. A schedule for implementing the above measures and financial assurances to implement the required enhancement.

Compliance or Monitoring Action to be Performed:

Mitigation Timing: The applicant shall submit documentation that to the County and CDFW that pronghorn-friendly fence design has been incorporated into the HMMP concurrently with submittal of the HMMP as noted in Measure B-1(b) (prior to the first of the project's final inspections, or within 12 months after issuance of grading permits, whichever comes first).

Monitoring: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to pronghorn movement.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:43:37PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 70. MITIGATION MEASURE #60 - B-5(a) OAK/RIPARIAN TREE PROTECTION ZONE

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

Impacts to native trees at risk of being damaged by Project activities shall be avoided and minimized through the establishment, in consultation with an ISA-certified arborist, of Tree Protection Zones (TPZs) that include at least a 25-foot buffer around oak driplines within 25 feet of project disturbance areas. The health and stability of trees is best protected by minimizing impacts to root systems. Such impacts are typically caused by vehicles, heavy equipment, foot traffic, and stored materials. For all retained trees, the minimum TPZ shall be defined as the area within the tree's dripline, unless incursions within the dripline are specifically reviewed and approved by the ISA-certified arborist. Around each tree or group of trees to be preserved in or next to an impact area, highly visible flagging or fencing shall be erected along the approximate dripline(s) of such protected trees to define the construction boundary and create a TPZ for trunks and roots. Within TPZs, work shall be limited as follows:

1. No storage of equipment or construction materials, parking of vehicles, or operation of equipment shall be permitted within the TPZ unless specifically reviewed and authorized by the ISA-certified arborist. Additional protective measures, such as use of fabric overlain by six inches of wood chips, shall be used to protect the affected rooting areas within the TPZ.
2. No soil shall be removed from within the dripline of any tree, and no fill of additional soil shall exceed two inches within the driplines of trees, unless it is part of approved construction and is reviewed by an ISA-certified arborist. Because trees are sensitive to the addition of fill, excavated material shall either be removed from the site or retained at least one foot away from oak trunks and from as much rooting area as is feasible.
3. Bark injury caused by equipment or materials shall be prevented by the protective fencing described above.
4. Roots exposed by excavation shall be pruned and recovered as quickly as possible to promote callusing, closure, and healthy regrowth. Where excavation occurs within TPZs, the following root-severing procedures shall be followed during excavation and trenching unless otherwise approved by an ISA-certified arborist: gently expose and cleanly sever roots one foot farther from the tree than the final limit of grading, then hand-dig the final foot of width. Roots are then cleanly pruned to the side wall of the excavation with a saw, sawzall, narrow trencher with sharp blades, or clippers. Hydraulic or pneumatic excavation technologies that expose and minimize damage to roots may be used. Exposed roots shall be draped immediately with at least two layers of untreated burlap or carpets, secured to cover the excavated surface to a depth of 3 feet. Burlap or carpeting (or temporary fill) shall be soaked nightly and kept in place until the excavated surface is backfilled and watered.
5. All tree work shall be guided by an ISA-certified arborist, and work shall be completed by qualified tree service personnel.
6. Oaks shall not be trimmed during periods of rapid growth in the spring and early summer, to prevent growth of deformed "witches brooms."
7. Where trees are removed within 15 feet of retained trees, roots of the removed tree shall be severed by grinding the stump to grade or slightly below grade, rather than excavating the stump. If grinding is infeasible, sharp vertical cuts shall be made at the limits of approved excavation before pushing over or excavating the

Condition Compliance Status Report for PLN120294

root wad and trunk.

CONDITION CONTINUED BELOW

Compliance or  
Monitoring  
Action to be Performed:

- 8. Special construction methods that minimize root loss may be necessary to permit healthy retention of certain trees, as identified in the final Forest Management Plan (FMP; Appendix E5) developed for the project. These measures may include, but are not restricted to, minimizing native soil excavation or using forms to retain subgrade and surfacing slightly above the existing soil surface. Posts or caissons shall be attached to retention structures, including forms, in place of continuous structures.
- 9. Semipermeable surfaces shall be used wherever feasible for proposed road, parking, or walkway surfaces that cross the roots of trees.
- 10. Wood chips or other mulch shall be applied to TPZs within 15 feet of construction activities; however, chips and mulch shall not be left mounded against tree trunks.
- 11. In addition to any measures required by local authorities or the California Department of Forestry and Fire Protection, the project Proponent shall:
  - a) maintain spark arresters on gasoline-powered equipment;
  - b) control fuel accumulation in drought-tolerant landscapes through managed grazing; and break up and clear away any dense accumulations of dead or dry underbrush or plant litter, especially near landmark trees in the project area.

Mitigation Timing: The applicant shall submit documentation to the County that an ISA-certified arborist has been contracted to develop TPZs prior to issuance of a grading permit, and submit documentation of ISA-certified arborists monitoring of any project activity within TPZs.

Monitoring: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to protected trees.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:43:20PM

ROBINSOND

Condition Compliance Status Report for PLN120294

71. MITIGATION MEASURE #61 - B-5(b) OAK/RIPARIAN TREE MITIGATION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Native tree loss is not anticipated to occur. However, if the project results in unavoidable or inadvertent loss of protected trees, as identified by the ISA-certified arborist during monitoring of work within any TPZ (see also mitigation measure B-5[a]), the project Proponent shall replace the lost protected trees (native trees 6 inches or more in diameter at breast height) at a 3:1 ratio (replacement trees: removed trees). Mitigation plantings may be integrated with the mitigation of impacts to riparian woodlands and oak woodlands on the project site. Replacement trees shall be chosen to correspond to the habitat impacted by the tree removal; for example, valley oaks and blue oaks may be planted to replace trees removed from mixed oak woodlands or riparian oak woodlands, and cottonwood or willow may be planted to replace trees removed from willow-cottonwood riparian woodland. Individual planting locations shall be predetermined and mapped by a qualified restoration ecologist. Oak, cottonwood, and willow replanting stock shall be grown from native seed stock gathered within 25 miles of the project site. The removal of oak trees shall be further mitigated by preserving existing mature oak woodland at a 2:1 ratio (canopy preservation area: canopy removal area).

Compliance or Monitoring Action to be Performed: Mitigation Timing: The applicant shall submit documentation to the County that either no protected trees were impacted during Project activity or that a qualified restoration ecologist has been contracted to identify mitigation planting species and locations.

Monitoring: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to protected trees.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:43:07PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**72. MITIGATION MEASURE #62 - CR-1(a) ARCHAEOLOGICAL SITE AVOIDANCE**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Wherever feasible, direct impacts on NRHP/CRHR-eligible archaeological sites shall be avoided. Avoidance shall be accomplished by preventing any direct ground disturbance of the resource. If impacts to all or any of these resources cannot be avoided, as determined by the applicant with concurrence from RMA – Planning, the boundaries of the NRHP/CRHR-eligible sites shall be marked in the field by a Registered Professional Archaeologist prior to ground disturbance with exclusionary fencing, lath, flagging tape, or some other combination of material that is highly visible, durable, and which construction and management personnel can recognize as marking an exclusion zone where no earth disturbance or other activity shall occur. Exclusion zones shall be inspected weekly by an archaeological monitor or other environmental inspector to ensure that they are being honored, remain effective, and in place. If complete avoidance is not feasible, mitigation measures CR-1(b) and CR-1(c) shall apply.

**Compliance or Monitoring Action to be Performed:** On an ongoing basis throughout construction, direct impacts on NRHP/CRHR-eligible archaeological sites shall be avoided, in conformance with the standards set forth in the condition.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
<i>This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.</i>	<i>5/10/2016 11:22:53AM</i>	<i>MONTANOR</i>
<i>On 12/23/2015, consultant submitted a memorandum outlining Cultural Resource Mitigation implementation/Data Recovery Methods and Procedures to be executed if in the event an archaeological resources cannot be avoided. The MOA and the implementation of the HPTP will manage the site. This condition is partially met. Ramon Montano, Assistant Planner.</i>		

**Condition Compliance Status Report for PLN120294**

**73. MITIGATION MEASURE #63 - CR-1(b) SITE CAPPING AND DATA INDEXING**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If direct disturbance of NRHP/CRHR-eligible archaeological or historic resources cannot be avoided, placement of chemically neutral, culturally sterile, nonreactive fill on top of the sites, rather than cutting into the cultural deposits, shall be required, when determined feasible by the Monterey County RMA – Planning Department. Because sites on which fill would be placed would no longer be accessible to research, a data indexing program shall be implemented to characterize the nature of the portions of the site to be buried (if they have not been sampled previously). The indexing program shall include mapping the location of surface artifacts within the proposed areas of fill; surface collection of those artifacts; and excavation of a small sample, determined by a Registered Professional Archaeologist, of the cultural deposit to characterize the nature of the buried deposit. All earth disturbances associated with placement of the fill shall also be monitored by a qualified archaeological monitor under the direction of a Registered Professional Archaeologist, as well as a tribal consultant if the site is of Native American origin, to prevent any residual impact associated with the loss of research data. Cultural materials recovered during the data indexing program shall be curated at an appropriate archaeological curation facility and copies of all reports shall be provided to RMA-Planning and the Northwest Information Center at Sonoma State University. The reports shall include detailed geospatial data regarding the locations of capped sites and these data shall be used to avoid new impacts during decommissioning.

**Compliance or Monitoring Action to be Performed:** On an ongoing basis, if direct disturbance of NRHP/CRHR-eligible archaeological or historic resources cannot be avoided, the sites shall be managed in conformance with the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.*

5/10/2016 11:21:37AM

MONTANOR

*On 12/23/2015, consultant submitted a memorandum outlining Cultural Resource Mitigation Implementation/Data Recovery Methods and Procedures to be executed if in the event an archaeological resources cannot be avoided. The MOA and the implementation of the HPTP will manage the site. This condition is partially met. Ramon Montano, Assistant Planner.*

**Condition Compliance Status Report for PLN120294**

**74. MITIGATION MEASURE #64 - CR-1(c) DATA RECOVERY EXCAVATION**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If avoidance [CR-1(a)] or capping [CR-1(b)] of NRHP/CRHR-eligible cultural resources is not possible, the project applicant shall complete a Phase III data recovery excavation program for significant cultural resources that would be impacted prior to project disturbance. Phase III data recovery shall be directed by a Registered Professional Archaeologist and include the preparation of a work plan/research design, fieldwork, laboratory analysis of recovered artifacts and ecofacts, special studies if appropriate, the preparation of a technical report, and curation of recovered materials. The Research Design shall be reviewed and approved by the Monterey County RMA—Planning Department prior to its implementation. A tribal consultant shall be present for all data recovery excavations of sites of Native American origin.

**Compliance or Monitoring Action to be Performed:** On an ongoing basis, if avoidance [CR-1(a)] or capping [CR-1(b)] of NRHP/CRHR-eligible cultural resources is not possible, a Phase III data recovery excavation program shall be completed in conformance with the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.*

5/10/2016 11:23:53AM

MONTANOR

*08/19/2015: Historic Properties Treatment Plan for the California Flats Solar Project submitted*

*On 18/08/2015, consultant submitted a memorandum outlining Cultural Resource Mitigation Implementation/Data Recovery Methods and Procedures to be executed if in the event an archaeological resources cannot be avoided. This condition is partially met. Ramon Montano, Assistant Planner.*

**Condition Compliance Status Report for PLN120294**

<b>75. MITIGATION MEASURE #65 - CR-1(d) ARCHAEOLOGICAL RESOURCE WORKER ENVIRONMENTAL AWARENESS PROG</b>
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**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to the commencement of construction a Registered Professional Archaeologist or a monitor under their direction shall provide a Worker Environmental Awareness Program (WEAP) for the general contractor, subcontractor(s), and construction workers participating in earth disturbing activities. The WEAP training shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if such a find is encountered. This training may be presented alongside other environmental training programs required prior to construction. A WEAP acknowledgment form must be signed by all workers who receive the training.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of construction a Registered Professional Archaeologist or a monitor under their direction shall provide a Worker Environmental Awareness Program (WEAP) for the general contractor, subcontractor(s), and construction workers participating in earth disturbing activities, in conformance with the standards set forth in the condition. Verification of training shall be submitted to RMA-Planning for review and approval.

**Comments By Staff**

*Last Update on:*

*Updated By:*

09/23/2015: Memo with sign-in sheet for WEAP training conducted on 09/16/2015 submitted.

10/27/2015 5:41:54PM

ROBINSOND

06/25/2015: Acceptable Worker Environmental Awareness Program document submitted. Document is saved as CCF\_PLN\_PLN120294\_062515. Status changed to Partially Met by Delinda Robinson.

**Condition Compliance Status Report for PLN120294**

**76. MITIGATION MEASURE #66 - CR-1(e) ARCHAEOLOGICAL RESOURCE CONSTRUCTION MONITORING**

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A qualified archaeologist shall be retained by the Applicant to be present during all earth moving activities that have the potential to affect archaeological or historical sites. In the event that previously unidentified prehistoric or historic archaeological materials or human remains are encountered during project construction, mitigation measure CR-2 shall take effect. A monitoring report shall be submitted to RMA County Planning upon completion of construction.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, the Owner/Applicant shall retain the services of a qualified archaeologist to be present during all earth moving activities that have the potential to affect archaeological or historical sites, in conformance with the standards set forth in the condition.

On an ongoing basis throughout construction that has the potential to affect archaeological or historical sites, a qualified archaeologist shall be present during all earth moving activities.

Upon completion of construction, a monitoring report shall be submitted to RMA County Planning for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.*

5/10/2016 9:17:16AM

MONTANOR

*On 12/23/2015, consultant submitted a copy of the documentation received on December 23, 2015, including the signed contract and scope of work from Dudek, along with the qualifications of the archeological staff are sufficient to consider Monterey County Condition of Approval 76. This condition is partially met. Ramon Montano, Assistant Planner.*

**Condition Compliance Status Report for PLN120294**

**77. MITIGATION MEASURE #67 - CR-1(f) NATIVE AMERICAN CONSTRUCTION MONITORING**

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A tribal consultant (Native American monitor) shall be retained by the Applicant to be present during all earth moving activities that have the potential to affect prehistoric archaeological sites. The Native American monitor shall prepare daily logs and submit weekly updates to RMA – Planning.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, the Owner/Applicant shall retain the services of a tribal consultant (Native American monitor) to be present during all earth moving activities that have the potential to affect prehistoric archaeological, in conformance with the standards set forth in the condition.

On an ongoing basis throughout construction that has the potential to affect prehistoric archaeological, a tribal consultant (Native American monitor) shall be present during all earth moving activities.

The tribal consultant (Native American monitor) shall prepare daily logs and submit weekly updates to RMA County Planning for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.*

5/10/2016 9:21:46AM

MONTANOR

*On 12/23/2015, consultant submitted a copy of the documentation received on December 23, 2015, including the signed contract and task order between Dudek and Salinan Tribe President Gary Pierce are sufficient to consider Monterey County Condition of Approval 77. This condition is partially met. Ramon Montano, Assistant Planner.*

**Condition Compliance Status Report for PLN120294**

**78. MITIGATION MEASURE #68 - CR-2 PREVIOUSLY UNIDENTIFIED ARCHAEOLOGICAL RESOURCES**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If previously unidentified prehistoric or historic archaeological resources are encountered during construction or land modification activities, work within the immediate vicinity of the find shall stop and the Applicant and the Monterey County RMA – Planning Department and project archaeologist shall be notified immediately. The project archaeologist, at the Applicant’s expense, will assess the content, age, association, and integrity of the find and the Applicant shall provide the Monterey County RMA – Planning Department with sufficient information to determine whether the resource is a CRHR-eligible resource. If the Monterey County RMA – Planning Department determines that the resource is not CRHR eligible or that it is CRHR eligible, but that additional data recovery would only yield redundant information, no additional mitigation will be required and construction can proceed. If the Monterey County RMA – Planning Department determines that the resource is CRHR eligible and that the discovery has significant historical associations or could yield additional scientific information about local or regional history or prehistory that has not been recovered during prior investigations, the Applicant shall implement MM-CR-1(a)-(c) and if of Native American origin CR-1(e).

If the site is determined insignificant, no further mitigation shall be required. However, archaeological and Native American monitoring may still be required in the vicinity of the site in accordance with mitigation measures CR-1(e) and CR-1(f).

**Compliance or Monitoring Action to be Performed:** On an ongoing basis throughout construction, if previously unidentified prehistoric or historic archaeological resources are encountered during construction or land modification activities, work within the immediate vicinity of the find shall stop and the Applicant and the Monterey County RMA – Planning Department and project archaeologist shall be notified immediately, in conformance with the standards set forth in the condition.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
<p><i>On 4/26/2016, Consultant submitted a copy of the Notice of Archaeological Discoveries during Construction; Per condition 78 and Mitigation 68 all appropriate mitigations are to be implemented. This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.</i></p>	<p>5/5/2016 9:58:54AM</p>	<p>MONTANOR</p>

## Condition Compliance Status Report for PLN120294

### 79. MITIGATION MEASURE #69 - CR-4(a) PALEONTOLOGICAL RESOURCE MITIGATION PLAN

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to grading activities, a Paleontological Resource Mitigation Plan (PRMP) shall be prepared for the project by a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology (SVP, 2010). The PRMP should include a map identifying the locations where monitoring is required, provide protocols for construction monitoring and the recovery of significant fossils, identify the Project Paleontologist and on-site monitors, and make provisions for fossil preparation, curation, and reporting. The PRMP shall be reviewed and approved by the Monterey County RMA- Planning Department prior to its implementation.

**Compliance or Monitoring Action to be Performed:** Prior to grading activities, a Paleontological Resource Mitigation Plan (PRMP) shall be prepared for the project by a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology (SVP, 2010), in conformance with the standards set forth in the condition. The PRMP shall be reviewed and approved by the Monterey County RMA- Planning prior to its implementation.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.*

5/10/2016 9:12:06AM

MONTANOR

*On 6/23/2015, consultant submitted a copy of the memorandum verifying compliance with Paleontological Monitoring and the Paleontological Resource Mitigation Plan for condition 79 mitigation 69.; This condition is partially met. Ramon Montano, Assistant Planner.*

**Condition Compliance Status Report for PLN120294**

**80. MITIGATION MEASURE #70 - CR-4(b) PALEONTOLOGICAL RESOURCE CONSTRUCTION MONITORING**

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Full-time monitoring shall be required during ground disturbing activities in areas determined to have a high paleontological sensitivity. All work shall be conducted by a qualified paleontological monitor as defined by the SVP (2010) and in conformance with the PRMP (mitigation measure CR-4a). Monitoring efforts can be reduced or eliminated at the discretion of the Project Paleontologist if, after 50% of the excavations are completed, no fossil resources are encountered. If deemed appropriate by the Project Paleontologist, part-time monitoring or spot checking may occur during the construction of the project in areas underlain by Quaternary surficial alluvial sediments to determine if underlying sensitive geologic units are being impacted by construction and at what depth.

If significant fossils are unearthed during construction, paleontological recovery shall be carried out. Recovery shall include: salvage of significant fossils; washing of representative samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates; preparation of recovered specimens to a point of identification to the lowest taxonomic level and permanent preservation; identification, curation, and accession of specimens into a museum repository with permanent retrievable storage; preparation of a report of findings by the Project Paleontologist with an appended itemized inventory of specimens. The report, inventory, and record of accession shall be submitted to Monterey County and the curation facility, and its submission shall signify completion of the program to mitigate impacts to paleontological resources.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, the Owner/Applicant shall retain the services of a qualified paleontological monitor as defined by the SVP (2010) and in conformance with the PRMP (mitigation measure CR-4a).

On an ongoing basis throughout construction, full-time monitoring shall be required during ground disturbing activities in areas determined to have a high paleontological sensitivity, in conformance with the standards set forth in the condition.

Upon the completion of construction, the Project Paleontologist shall submit a report of findings in conformance with the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.*

5/10/2016 9:12:43AM

MONTANOR

*On 6/23/2015, consultant submitted a copy of the memorandum verifying compliance with Paleontological Monitoring and the Paleontological Resource Mitigation Plan for condition 79 mitigation 69.; This condition is partially met. Ramon Montano, Assistant Planner.*

## Condition Compliance Status Report for PLN120294

### 81. MITIGATION MEASURE #71 - GEO-2 LANDSLIDE AVOIDANCE AND HAZARD MINIMIZATION

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Installation of solar modules and other project features shall be avoided in the areas of the project site containing deeply incised drainage channels (those drainage channels incised up to approximately 15 feet). Where avoidance is not feasible, a certified engineering geologist shall conduct a landslide survey in and adjacent to deeply incised drainage channels to determine those areas in which landslides could have the potential to damage and destroy roadways, structures and other improvements as well as alter or block drainage channels, causing further damage and erosion. The survey shall identify areas with the potential for unstable slopes, landslides, earth flows, debris flows, and seismically induced slope failure hazards. If the results of the landslide survey indicate the presence of slopes likely to fail and cause damage to these structures, appropriate support and protection measures shall be designed and implemented to minimize potential damage. These design measures may include, but are not limited to: retaining walls, reengineered slopes, removal of potentially unstable materials, and avoidance of areas above and below highly unstable areas. Study results and proposed design modifications shall be provided to the Monterey County RMA – Planning Department for review and approval prior to grading permit issuance. Prior to any module blocks becoming operational (generating electricity and delivering power to the grid), the RMA – Building Department shall verify that all elements within that block comply with approved plans and the California Building Code.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, a certified engineering geologist shall conduct a landslide survey (study) in conformance with the standards set forth in the condition.

Prior to grading permit issuance, the study results and proposed design modifications shall be provided to the Monterey County RMA – Planning for review and approval.

Prior to any module blocks becoming operational (generating electricity and delivering power to the grid), RMA – Building Services shall verify that all elements within that block comply with approved plans and the California Building Code.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/27/2015 5:40:18PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**82. MITIGATION MEASURE #72 - HAZ-3 LOCATE UNDERGROUND UTILITIES**

**Current Status:** Not Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** To identify and avoid subsurface utility lines at the project site, Underground Service Alert shall be consulted immediately prior to construction. In addition, a private utility locator service shall be consulted immediately prior to start of construction in order to determine the location of any existing underground utilities, including, but not limited to, the underground gas line. Construction plans shall be submitted to PG&E and any other identified utilities for review and comment for grading or excavation proposed within 25 feet of known underground utility lines. The applicant shall submit proof of underground utility location and PG&E plan submittal to the County of Monterey RMA – Planning Department prior to issuance of grading permits.

**Compliance or Monitoring Action to be Performed:** Immediately prior to construction, the Owner/Applicant shall consult Underground Service Alert and contact a private utility locator service to identify and avoid subsurface utility lines at the project site, in conformance with the standards set forth in the condition.

Prior to issuance of grading permits, the applicant shall submit proof of underground utility location and PG&E plan submittal to the County of Monterey RMA – Planning.

*Comments By Staff*

*Last Update on:*

*Updated By:*

11/30/2015 4:57:07PM

ROBINSOND

**83. MITIGATION MEASURE #73 - HAZ-4(a) FINAL FUEL MANAGEMENT PLAN**

**Current Status:** Not Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to the issuance of any construction permit, the applicant shall submit a Final Fuel Management Plan to the County of Monterey RMA – Planning Department for review and approval. The Final Fuel Management Plan shall be prepared in consultation with the Fire Protection District and/or CAL FIRE. The Final Fuel Management Plan shall identify emergency access routes, vegetation management measures (e.g. grazing, disking, mowing), road maintenance requirements, fuel modification zones and defensible spaces around structures, applicable emergency response procedures (e.g. notification requirements), and vehicle restrictions during the fire hazard season. Fuel protection zones, including defensible spaces and firebreaks, shall be established and maintained throughout the duration of the project in accordance with state and County minimum clearances and fuel modification standards.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of any construction permit, the applicant shall prepare and submit a Final Fuel Management Plan, in conformance with the standards set forth in the condition, to the County of Monterey RMA – Planning Department for review and approval.

*Comments By Staff*

*Last Update on:*

*Updated By:*

06/19/2015: Draft Fuel Management Plan submitted electronically by Tyler Potter to D Robinson.

10/27/2015 5:39:37PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**84. MITIGATION MEASURE #74 - HAZ-4(b) EMERGENCY ACCESS**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall be responsible for maintaining adequate emergency access throughout the duration of project construction, operation, and decommissioning in accordance with the Final Fuel Management Plan. All access gate lock codes, combinations, and/or Knox box codes shall be provided to the Monterey County Emergency Operations Dispatch prior to construction. Also prior to construction, a 24-hour contact person with access to all access gates shall be identified and the contact number provided to the Monterey County Emergency Operations Dispatch.

**Compliance or Monitoring Action to be Performed:** On an ongoing basis throughout construction, operation, and decommissioning, the applicant shall be responsible for maintaining adequate emergency access in accordance with the Final Fuel Management Plan and in conformance with the standards set forth in the condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

09/01/2015: Cover memo and Final Fuel Management Plan submitted electronically to Bill Harry, Director of Emergency Communications. FMP includes required gate codes and contact information. Condition cleared for issuance of construction permits. Status changed to On-Going by Delinda Robinson 10/14/2015.

10/27/2015 5:39:23PM

ROBINSOND

06/19/2015: Draft Fuel Management Plan including emergency access plan submitted electronically by Tyler Potter to D Robinson. Final plan to be forwarded to Bill Harry at Mo. Co. Emergency Communications.

Condition Compliance Status Report for PLN120294

85. MITIGATION MEASURE #75 HAZ-5 - DISPOSAL OF PV MODULES AND SUPPORT STRUCTURES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall submit a recycling or disposal plan for PV modules for County review and approval, in order that project structures not pose a risk to human health or the environment after project repowering and/or decommissioning. The plan shall specify how these project components shall be recycled or disposed of in a manner that will not pose a risk to human health or the environment, and the costs of such recycling or disposal. Prior to issuance of construction permits, the applicant shall post a long-term decommissioning bond to the County of Monterey, or other mutually acceptable financial obligation, in an amount consistent with these costs (plus County administrative costs) consistent with the requirements of the Development Agreement (if approved).

Compliance or Monitoring Action to be Performed: Prior to installation of the PV modules, the applicant shall submit a recycling or disposal plan for PV modules for County review and approval, in conformance with the standards set forth in the condition.

Prior to issuance of construction permits, the applicant shall post a long-term decommissioning bond to the County of Monterey, or other mutually acceptable financial obligation, in an amount consistent with the costs for recycling and disposal (plus County administrative costs) consistent with the requirements of the Development Agreement (if approved).

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:39:07PM

ROBINSOND

86. MITIGATION MEASURE #77 - HYD-2(b) MAINTAIN VEHICLES AND EQUIPMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order to minimize leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided by the applicant to the County of Monterey RMA – Planning Department on a monthly basis for the duration of project construction.

Compliance or Monitoring Action to be Performed: On an ongoing basis throughout construction, all vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order in conformance with the standards set forth in the condition.

On a monthly basis throughout construction, a vehicle and equipment maintenance log shall be updated and provided by the applicant to the County of Monterey RMA – Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:38:34PM

ROBINSOND

**Condition Compliance Status Report for PLN120294**

**87. MITIGATION MEASURE #78 - PS-1(a) CONSTRUCTION MANAGEMENT PLAN**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall include measures that reduce the demand for fire protection services during project construction in the final Construction Management Plan subject to the review and approval of CAL FIRE or the Fire Protection District as applicable. Applicable measures shall include but not be limited to on-site fire suppression, including on-site fire suppression equipment and fire suppression training for on-site personnel. The construction contractor shall be responsible for implementing the final Construction Management Plan, including applicable fire safety measures, for the duration of construction. Prior to the issuance of a construction permit, the applicant shall provide the County with a copy of the final Construction Management Plan approved by CAL FIRE that includes measures that adequately reduce the demand for fire protection services.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, the Owner/Applicant shall submit a final Construction Management Plan, in conformance with the standards set forth in the condition, to CAL FIRE or the Fire Protection District for review and approval.

Prior to the issuance of a construction permit, the applicant shall provide the County with a copy of the final Construction Management Plan approved by CAL FIRE that includes measures that adequately reduce the demand for fire protection services.

On an ongoing basis throughout construction, the construction contractor shall be responsible for implementing the final Construction Management Plan, including applicable fire safety measures.

**Comments By Staff**

**Last Update on:**

**Updated By:**

6-11-15 - Construction Plan approved as modified (editorial and code-driven modifications regarding notification of emergency services and location of fire extinguishers). [Art Black, Carmel Fire Protection Associates for Cal Fire]

10/27/2015 5:38:16PM

ROBINSOND

5/19/2015: On 5/14/15, a draft Construction Management Plan was submitted by Tyler Potter for review and approval. Plan was forwarded to Art Black on 5/19/2015 for review and approval. (Laura Lawrence, RMA Services Manager)

## Condition Compliance Status Report for PLN120294

### 88. MITIGATION MEASURE #79 - PS-1(b) EMERGENCY RESPONSE TRAINING

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** During project construction and operation, on-site staff shall receive emergency response training and shall be informed of all emergency response procedures on a minimum annual basis. Prior to operation of the project, the applicant shall consult with South Monterey County FPD/CAL FIRE staff to educate them in emergency response procedures for solar power facilities. In addition, on-site fire suppression equipment (e.g. fire extinguishers) shall be maintained on-site for the duration of project operation.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a construction permit, the Owner/Applicant shall ensure that on-site staff shall receive emergency response training and shall be informed of all emergency response procedures. Verification of training shall be submitted to South Monterey County FPD/CAL FIRE for review and approval.

Prior to operation of the project, the applicant shall consult with South Monterey County FPD/CAL FIRE staff to educate them in emergency response procedures for solar power facilities.

On an annual basis, on-site staff shall receive emergency response training and shall be informed of all emergency response procedures. Verification of training shall be submitted to South Monterey County FPD/CAL FIRE for review and approval.

On an ongoing basis, on-site fire suppression equipment (e.g. fire extinguishers) shall be maintained on-site for the duration of project operation.

**Comments By Staff**

**Last Update on:**

**Updated By:**

09/25/2015: Memos from Tyler Potter and McCarthy describing emergency response training procedure submitted.

10/27/2015 5:38:02PM

ROBINSOND

Condition Compliance Status Report for PLN120294

89. MITIGATION MEASURE #80 - PS-1(C) FIRE PROTECTION DURING CONSTRUCTION

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the issuance of a construction permit, the applicant shall enter into an agreement with CAL FIRE to provide sufficient fire protection services during the non-peak fire season for the duration of project construction via provision of sufficient funding and other measures necessary to keep the CAL FIRE Parkfield substation operational during the non-peak fire season. The measures to assure sufficient fire protection services in accordance with existing standards shall be subject to the review and approval of CAL FIRE and may include but not be limited to the following: funding for provision for fire personnel, purchase of one additional patrol/rescue vehicle, and/or provision of a helicopter landing space in consultation with CAL FIRE, the use of which will be restricted to emergency use only. A copy of the final, executed agreement shall be submitted to the County prior to the issuance of a construction permit.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a construction permit, the applicant shall enter into an agreement with CAL FIRE to provide sufficient fire protection services in conformance with the standards set forth in the condition.

Prior to the issuance of a construction permit, a copy of the final, executed agreement shall be submitted to the County.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:37:49PM

ROBINSOND

90. MITIGATION MEASURE #81 - T-2 FRIDAY PEAK HOUR CONTROL MEASURES – CONSTRUCTION PHASE

Current Status: On-Going

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All project generated traffic bound for SR 46 eastbound that would make the southbound left turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Truck delivery and construction workers bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. Vehicle destinations shall be identified by vehicle badges. The flagman shall identify these vehicles and direct them to make an eastbound left out movement from the project access road onto SR 41 east.

Compliance or Monitoring Action to be Performed: On an ongoing basis throughout construction, traffic control measures, as set forth in the condition, shall be implemented for all project generated traffic bound for SR 46 eastbound during the Friday PM peak hour.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:37:35PM

ROBINSOND

Condition Compliance Status Report for PLN120294

91. MITIGATION MEASURE #82 - T-4 FRIDAY PEAK HOUR CONTROL MEASURES – OPERATION PHASE

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Until the completion of Caltrans improvements to the intersection of SR 41/46, all project generated traffic bound for SR 46 eastbound that would make the southbound left turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Employees bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. The flagman shall identify these vehicles and direct them to make a left out movement from the project access road onto SR 41 east.

Compliance or Monitoring Action to be Performed: Until the completion of Caltrans improvements to the intersection of SR 41/46, traffic control measures, as set forth in the condition, shall be implemented for all project generated traffic bound for SR 46 eastbound during the Friday PM peak hour.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:37:20PM

ROBINSOND

92. MITIGATION MEASURE #83 - T-7 PARK AND RIDE FACILITY SITING

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Any proposed park and ride facilities shall be sited in already developed parking lots (paved or unpaved) designed to accommodate large numbers of vehicles (e.g. shopping center locations). All vehicles shall be required to park in designated parking spaces. No permanent new lighting shall be installed. The location of the park and ride facilities within these existing parking lots shall be sited in an area located away from residences and other sensitive receptors to limit nighttime disturbance from noise.

Selection of the park and ride lots shall consider the existing and projected traffic conditions in the surrounding area and the proposed park and ride lots shall not be located on roadway segments and near intersections currently experiencing deficient Levels of Service, as defined either by Caltrans, a county or a city, as applicable, unless a supporting traffic study prepared by a qualified transportation planner or engineer shows that impacts to traffic conditions would not occur.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a construction permit, the Owner/Applicant shall submit a plan showing the proposed park and ride facilities, in accordance with the standards set forth in the condition, to RMA-Public Works for review and approval.

Comments By Staff

Last Update on:

Updated By:

10/27/2015 5:37:06PM

ROBINSOND

## Condition Compliance Status Report for PLN120294

### 93. MITIGATION MEASURE #84 - LT-1 WORKER HOUSING PROGRAM

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of construction permits, the applicant shall submit a Worker Housing Program prepared by a professional relocation firm to Monterey County for review and approval that would include:

1. Projection of the peak need for worker housing in relation to existing demand for temporary accommodations, with particular attention paid to seasonal housing;
2. Classification of workers' housing needs based on the duration of their work on the project; and
3. Identification of dwelling units, hotels, motels, RV parks, and campsites with the ability to accommodate workers for periods of longer than one month.

The applicant (or relocation firm) shall reserve or coordinate the reservation of temporary accommodations for employees relocating from outside the local area.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits, the applicant shall submit a Worker Housing Program, in conformance with the standards set forth in the condition, prepared by a professional relocation firm to Monterey County for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/13/2015: Worker Housing Program dated August 2015 approved by County. Cleared for issuance of construction permits associated with access road, utility corridor and northern PV. Status changed to On-Going by Delinda Robinson 10/14/2015.  
09/10/2015: Revised Worker Housing Program dated August 2015 prepared by AUTOTEMP submitted.

10/27/2015 5:36:52PM

ROBINSOND

### 94. PD032 - PERMIT LENGTH

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This permit shall be granted for 34 years, with an expiration date as specified in the permit. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of RMA-Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

**Comments By Staff**

**Last Update on:**

**Updated By:**

This condition is on-going during the life of the permit. Ramon Montano, Assistant Planner.

4/18/2016 4:16:44PM

MONTANOR

## Condition Compliance Status Report for PLN120294

### 95. ACCESS

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of any Construction Permits the applicant/developer shall demonstrate that they have approval to construct the road from Highway 41 to the subject site from San Luis Obispo County.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Construction Permits a Use Permit from San Luis Obispo County shall be provided to the County of Monterey by the applicant.

#### Comments By Staff

Last Update on:

Updated By:

On 1/6/2016, Construction permits were approved by San Luis Obispo for road from Highway 41. The condition is met. See CCF\_95\_PLN\_PLN120294\_1/11/2016. Ramon Montano, Assistant Planner.

4/18/2016 4:17:10PM

MONTANOR

### 96. PDSP 002 DEVELOPMENT AGREEMENT

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of any construction permits, the applicant (or the assignee) shall prepare a final legal description of the project site, which shall be approved by the RMA-Planning Director, and the approved legal description shall be attached to the Development Agreement, and the Development Agreement shall be recorded by the County at the applicant's expense in accordance with the terms of the ordinance approving the Development Agreement.

**Compliance or Monitoring Action to be Performed:** Applicant shall submit revised legal description for approval.

Applicant shall pay for cost of recordation.

#### Comments By Staff

Last Update on:

Updated By:

On 1/8/2016, staff submitted a copy of the recorded notice; recorded on 1/8/2016; Doc #: 2016001284. This condition is met. Ramon Montano, Assistant Planner.

4/18/2016 4:17:24PM

MONTANOR

10/05/2015: Record of Survey re-submitted to County Surveyor with corrections and changes.

**Condition Compliance Status Report for PLN120294**

**97. PDSP003 -- ACCESS ON TURKEY FLAT ROAD**

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Access for emergency vehicles and a limited number of daily passenger vehicles and pickups are allowed to use Turkey Flat Road to access the site. The applicant/owner shall be responsible for managing the number of trips accessing the site on Turkey Flat Road in a manner consistent with the traffic analysis in the EIR. Heavy Equipment and large trucks are not permitted to use the public portion of Turkey Flat Road north of the Hearst Gate.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any Construction Permits, the applicant/owner shall submit to the RMA Planning Department the report of the anticipated number of vehicles which will be using Turkey Flat Road on a daily basis.

**Comments By Staff**

**Last Update on:**

**Updated By:**

08/03/2015 - Per memo from McCarthy construction traffic will not be allowed to enter the site through the North public entrance of Turkey Flat Road. All construction traffic will enter through the south entrance off Hwy 41. The only access granted to Turkey Flat Road would be in the case of an emergency. See 08/03/2015 - Per memo from McCarthy construction traffic will not be allowed to enter the site through the North public entrance of Turkey Flat Road. All construction traffic will enter through the south entrance off Hwy 41. The only access granted to Turkey Flat Road would be in the case of an emergency. See CCF\_09\_61\_97\_PLN\_PLN120294\_080315. Condition cleared for access road, utility corridor and northern PV construction by Delinda Robinson 10/14/2015.

4/18/2016 4:18:12PM

MONTANOR

Condition Compliance Status Report for PLN120294

98. PDSP004 -- EASEMENT MAINTENANCE

Current Status: **Partially Met**

Responsible Department: Planning Department

**Condition/Mitigation Monitoring Measure:** The owner/ applicant shall be responsible for maintaining the condition of the road lying within the ingress/egress easement on APN 424-181-011. The road shall be maintained in at least as good a condition as it currently exists. Prior to issuance of any Construction Permits or movement of any equipment onto the site, the owner/applicant shall provide photo documentation of the condition of the road to the County of Monterey. Upon completion of the project, the owner/applicant shall provide photo documentation that the road has a graded, smooth, compacted surface without damage, potholes or other deviations that would compromise the integrity of the road. The easement shall be maintained in this condition throughout the operational life of the project.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any Construction Permits or movement of equipment onto the site photo documentation of the condition of the road shall be submitted to the RMA-Planning Department.

Prior to finalization of the last phase of the project, photo documentation shall be submitted showing that that condition of the easement is acceptable,

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/21/2015: On 4/20/2015, Tyler Potter from Denise Duffy and Associates submitted photos of the ingress and egress easement (Turkey Flat Road) on APN 424-181-011-000. Documentation has been uploaded into Accela as CCF\_PLN120294\_042015. Condition is partially met and satisfied for the issuance of construction permits (Laura Lawrence, RMA Services Manager).

4/18/2016 4:18:57PM

MONTANOR

**Monterey County Resource Management Agency  
Planning Department**

**Condition Compliance Status Report for PLN130417**

(as of 11/18/2016)

**1. PD001 - SPECIFIC USES ONLY**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN130417) allows development on slopes exceeding 30 percent (for the construction of turn-out areas on the existing access road), development within 100 feet of environmentally sensitive habitat, construction of a 57-space public parking area and improvements to an existing access road, and associated grading. The property is located at Palo Corona Regional Park, east of Highway 1, between Ribera (south) and Oliver (north) Roads (Assessor's Parcel Number 243-081-008-000), Carmel Area Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

*Comments By Staff*

*Last Update on:*

*Updated By:*

12/16/2014 4:48:57PM

SIDORJ

## Condition Compliance Status Report for PLN130417

### 2. PD002 - NOTICE PERMIT APPROVAL

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 15-016) was approved by the Planning Commission for Assessor's Parcel Number 243-081-008-000 on February 25, 2015. The permit was granted subject to fifteen (15) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

#### Comments By Staff

**Last Update on:**

**Updated By:**

July 28, 2015: Owner submitted evidence of recorded Permit Approval Notice (DOC # 2015041981) to RMA-Planning. (Joe Sidor, Associate Planner) Condition is cleared.

7/28/2015 2:33:27PM

SIDORJ

On 6/18/2015 the Notice of Permit Approval was delivered to Joseph Sidor by Stacy Giles, OAI

On 5/8/2015 the Notice of Permit Approval was mailed to the Agent. by Melissa McDougal OAI

**Condition Compliance Status Report for PLN130417**

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

**Current Status:** On-Going

**Responsible Department:** Planning Department

**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. The Monterey County RMA - Planning Department 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 the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*Prior to Issuance: The cultural resources condition is noted on the construction plans (Page C1 for 15CP01219). This condition is on-going during the life of the permit. Joseph Sidor, Associate Planner, 6-3-2015*

6/3/2015 9:19:00AM

SIDORJ

*Prior to Issuance: This condition is on-going during the life of the permit. Joseph Sidor, Associate Planner*

## Condition Compliance Status Report for PLN130417

### 4. PD006 - MITIGATION MONITORING PROGRAM (NON-STANDARD)

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The Applicant shall provide evidence to the Director of RMA-Planning that the mitigation measures adopted as part of the Initial Study for the Palo Corona Regional Park Parking Project (SCH# 2014021066) have been implemented. Mitigation measures identified in the Initial Study are incorporated by reference into the RMA - Planning Condition Compliance and Mitigation Monitoring Reporting Plan. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Pending completion of the proposed park improvements, as well as completion of the left-turn channelization lane on Highway 1, the Applicant shall provide an annual report to RMA-Planning that summarizes compliance activity relative to the associated June 2014 Mitigation Monitoring and Reporting Plan.

Comments By Staff

Last Update on:

Updated By:

12/2/2014 1:42:15PM

SIDORJ

### 5. PD032(A) - PERMIT EXPIRATION

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of three (3) years, to expire on February 25, 2018, unless use of the property or actual construction has begun within this period. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

Comments By Staff

Last Update on:

Updated By:

2/12/2015 12:21:48PM

SIDORJ

### 6. CALIFORNIA CONSTRUCTION GENERAL PERMIT

**Current Status:** On-Going

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Waster Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a WDID number certifying the project is covered under the California Construction General Permit.

Comments By Staff

Last Update on:

Updated By:

6/18/2015 11:59:38AM

LOMELIE

## Condition Compliance Status Report for PLN130417

### 7. EROSION CONTROL PLAN

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Erosion Control Plan identifying the proposed methods to control runoff and erosion. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

06/18/2015

6/18/2015 12:05:25PM

LOMELIE

*Environmental Services received an acceptable Erosion Control Plan prepared by Whitson Engineers, dated 05/2015. The plan identifies inlet protection, sanitary facilities, soil stabilization, temporary material and waste management area, and appropriate erosion control BMPs.*

*(Emily Lomeli, RMA-Environmental Services, X.5681)*

### 8. GRADING PLAN

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a grading plan incorporating the recommendations from a project Geotechnical Investigation to be prepared by a licensed Geotechnical Engineer. The Grading Plan shall be stamped by a licensed Geotechnical Engineer. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit the Geotechnical Investigation and Grading Plan to RMA-Environmental Services for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

06/18/2015

6/18/2015 12:09:02PM

LOMELIE

*Environmental Services received an acceptable Grading Plan prepared by Whitson Engineers, dated 05/2015. The grading plan includes a geotechnical inspection schedule and cross sections. Environmental Services received a letter from Grice Engineering that the grading plan incorporates their Geotechnical Report recommendations.*

*(Emily Lomeli, RMA-Environmental Services, X.5681)*

Condition Compliance Status Report for PLN130417

9. INSPECTION-PRIOR TO LAND DISTURBANCE (DURING THE RAINY SEASON)

**Current Status:** On-Going  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

6/18/2015 12:09:15PM

LOMELIE

10. INSPECTION-DURING ACTIVE CONSTRUCTION

**Current Status:** On-Going  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** During construction, The applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

6/18/2015 12:09:24PM

LOMELIE

11. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Current Status:** On-Going  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

6/18/2015 12:09:39PM

LOMELIE

## Condition Compliance Status Report for PLN130417

### 12. GEOTECHNICAL CERTIFICATION

**Current Status:** On-Going  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with the recommendations in the Geotechnical Investigation. (RMA- Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed Geotechnical Engineer.

**Comments By Staff**

**Last Update on:**

**Updated By:**

6/18/2015 12:09:50PM

LOMELIE

### 13. PDSP001 - NOTICE OF DETERMINATION (NON-STANDARD)

**Current Status:** Met  
**Responsible Department:** Planning Department  
**Condition/Mitigation Monitoring Measure:** Pursuant to CEQA Guidelines Section 15096(I) and California Public Resources Code Section 21083, within five (5) working days of project approval, the County shall file a Notice of Determination. (RMA-Planning)  
**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the County of Monterey RMA - Planning shall file a Notice of Determination.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*The Notice of Determination (Responsible Agency) was filed on February 25, 2015; Filing No. 2015-022; Receipt #: 138405 (County Clerk filing fee only). A copy is on file. The Monterey Peninsula Regional Park District, as Lead Agency, considered and adopted the Initial Study and Mitigated Negative Declaration for this project on June 2, 2014, and filed a Notice of Determination (Lead Agency) and forwarded the required impact fees to the California Department of Fish and Wildlife on June 4, 2014 (SCH#2014021066). This condition is met. (J. Sidor, Associate Planner)*

2/25/2015 1:56:28PM

SIDORJ

Condition Compliance Status Report for PLN130417

14. PDSP002 - ADHERENCE TO INTERIM PUBLIC ACCESS (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Applicant shall adhere to the standards set forth within the Palo Corona Regional Park Interim Public Access Proposal, as amended by PLN100601, including, but not limited to, protection and preservation of the identified historic barn, adherence to visitor hours, permit allocation, private property designation, litter removal, and trail maintenance, until such time that the Monterey Peninsula Regional Park District adopts a General Development Plan for Palo Corona Park and the left-turn channelization lane is constructed on Highway 1. (RMA-Planning)

Compliance or Monitoring Action to be Performed: In April of 2015 and 2016, the Applicant shall submit an annual monitoring report to the Director of RMA-Planning regarding adherence to the Palo Corona Regional Park Interim Public Access Proposal, as amended.

Comments By Staff

Last Update on:

Updated By:

2/4/2015 11:24:29AM

SIDCRJ

**Condition Compliance Status Report for PLN130417**

**15. PD004 - INDEMNIFICATION AGREEMENT**

**Current Status:** Met

**Responsible Department:** Planning Department

**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. (RMA - Planning)

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

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

July 28, 2015: Owner submitted evidence of recorded Indemnification Agreement (DOC # 2015041980) to RMA-Planning. (Joe Sidor, Associate Planner) Condition is cleared.

7/28/2015 2:34:41PM

SIDORJ

7/20/15: Document signed by Mike Novo, notarized by Linda Rotharmel and delivered to Joe Sidor. (Linda Rotharmel)

7/17/15 Document sent to Linda Rotharmel for signature. by Melissa McDougal

6/22/15: Forwarded to County Counsel for approval. (Monique Kakimoto)

On 6/18/2015 the Indemnification Agreement was delivered to Joseph Sidor by Stacy Giles. OAll

On 5/8/2015 the Indemnification Agreement was mailed to the Agent by Melissa McDougal OAll



# Monterey County Resource Management Agency Planning Department

## Condition Compliance Status Report for PLN000696

(as of 11/18/2016)

### 1. PD001 - SPECIFIC USES ONLY

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN000696) allows: 1) a Standard Subdivision Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); and 5) grading for net cut and fill of approximately 2,000 cubic yards. The project is located north of San Benancio Road approximately 0.8 miles east of Highway 68, Salinas (Assessor's Parcel Numbers 416-611-001-000, 416-611-002-000, 416-621-001-000), Toro Area Plan. 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. Multiple final maps may be filed, but not to exceed four (4) final maps. Applicant shall have the right to file phased final maps in such order and at such rate and at such time as Applicant deems appropriate, so long as the tentative map has not expired. 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 ongoing basis unless otherwise stated.

#### Comments By Staff

This condition is on-going during the life of the permit. (Laura Lawrence, RMA Services Manager)

Last Update on:

7/20/2015 3:13:47PM

Updated By:

LAWRENCEL

Condition Compliance Status Report for PLN000696

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 15-084) was approved by the Board of Supervisors for Assessor's Parcel Numbers 416-611-001-000, 416-611-002-000, and 416-621-001-000 on April 7, 2015. The permit was granted subject to 110 conditions of approval, including 36 mitigation measures, 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 recording the first final map. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

Comments By Staff	Last Update on:	Updated By:
On 4/30/2015, Permit Approval Notice was mailed to Matt Francois. (Laura Lawrence, RMA Services Manager)	4/29/2015 4:27:37PM	LAWRENCEL

3. PD007- GRADING WINTER RESTRICTION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, this condition shall be placed as a note on the final map.

The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

Comments By Staff	Last Update on:	Updated By:
	4/27/2015 2:38:06PM	ROTHARMELL

## Condition Compliance Status Report for PLN000696

<b>4. PD004 - INDEMNIFICATION AGREEMENT</b>
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**Current Status:** **Met**

**Responsible Department:** Planning Department

**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. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or prior to recording the first final map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

7/20/2015: Document was recorded as Document Number 2015040167 on 7/20/2015. Condition is met. (Laura Lawrence, RMA Services Manager)

7/20/2015 2:49:15PM

LAWRENCEL

6/25/15: Document signed by Mike Novo, notarized by Linda Rotharmel and delivered to Laura Lawrence. (Linda Rotharmel)

6/24/15: Approved by County Counsel. (Monique Kakimoto)

6/22/15: Forwarded to County Counsel for approval. (Melissa McDougal)

On 6/15/2015, the Indemnification Agreement was delivered to Laura Lawrence (Stacy Giles, OAI)

On 4/30/2015, the Indemnification Agreement was mailed to Matt Francois. (Laura Lawrence, RMA Services Manager)

## Condition Compliance Status Report for PLN000696

### 5. PD005 - FISH & GAME FEE NEG DEC/EIR

**Current Status:** Met  
**Responsible Department:** Planning Department

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

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

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/29/2015: The Notice of Determination was filed on 4/9/2015 with the Monterey County Clerk; Receipt #: 2015-0042. A copy was received by the State Clearinghouse on 4/13/2015. A copy is on file. This condition is met. (Laura Lawrence, RMA Services Manager)

4/29/2015 4:32:25PM

LAWRENCEL

### 6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to recording the first final map, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 4/30/2015, the Mitigation Monitoring Agreement was mailed to Matt Francois. (Laura Lawrence, RMA Services Manager)

4/29/2015 4:28:50PM

LAWRENCEL

## Condition Compliance Status Report for PLN000696

### 7. PD015 - NOTE ON MAP-STUDIES

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A note shall be placed on each final map or a separate sheet to be recorded with the final map stating:

"The following reports are on file in Monterey County RMA - Planning:

- Archaeological Consulting. Preliminary Cultural Resources Reconnaissance of Portions of APN 416-211-21 and 415-011-01, San Benancio, Monterey County, California. March 22, 1993 (LIB060466).
- D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001 (LIB060463).
- Higgins Associates. Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis. Higgins Associates. May 29, 2001, February 11, 2002, and May 28, 2008 (LIB060464 and LIB060465).
- Monterey, County of. Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003. Revised October 2010 (LIB060468).
- Pacific Municipal Consultants. Archaeological and Historical Resources Investigations for the Harper Canyon Project. May 2006.
- Staub Forestry and Environmental Consulting. Addendum to Forest Management Plan dated June 2001 for Monterey County APNs 416-611-01 and 416-611-03 – Encina Hills. April 28, 2008 (LIB060467).
- Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001 (LIB060467).
- Zander Associates. Biological Resources Assessment. July 13, 2001 (LIB060470).
- Zander Associates. Biological Resources Assessment. November 11, 2005 (LIB060470).
- Zander Associates. Results of Follow-Up Survey. October 3, 2001 (LIB060470).
- Preliminary Drainage Report for Encina Hills Subdivision prepared by Whitson Engineers, Monterey, California. September 28, 2006. (LIB060566).
- Preliminary Drainage Report for Encina Hills Subdivision prepared by Whitson Engineers, Monterey, California. March 22, 2007. (LIB070167).
- 72 Hour Constant Rate Well Pumping and Aquifer Recovery Tests for Ambler Oaks & Encina Hills Wells for Harper Canyon Subdivision prepared by Bierman Hydrogeologic, February 7, 2015 (LIB150059).

The recommendations contained in said reports shall be followed in further development of this property."

The note on each final map shall be located in a conspicuous location, subject to the approval of the County Surveyor.  
(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of each final map, the Owner/Applicant shall submit the final map with notes to the RMA - Planning and RMA - Public Works for review and approval.

# Condition Compliance Status Report for PLN000696

Comments By Staff

Last Update on:

Updated By:

3/4/2015 8:52:06AM

LAWRENCEL

Condition Compliance Status Report for PLN000696

8. PD016 - NOTICE OF REPORT

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to or concurrent with recording the first final map, a notice shall be recorded with the Monterey County Recorder which states:

- "The following reports are on file in Monterey County RMA - Planning:
- Archaeological Consulting. Preliminary Cultural Resources Reconnaissance of Portions of APN 416-211-21 and 415-011-01, San Benancio, Monterey County, California. March 22, 1993 (LIB060466).
  - D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001 (LIB060463).
  - Higgins Associates. Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis. Higgins Associates. May 29, 2001, February 11, 2002, and May 28, 2008 (LIB060464 and LIB060465).
  - Monterey, County of. Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003. Revised October 2010 (LIB060468).
  - Pacific Municipal Consultants. Archaeological and Historical Resources Investigations for the Harper Canyon Project. May 2006.
  - Staub Forestry and Environmental Consulting. Addendum to Forest Management Plan dated June 2001 for Monterey County APNs 416-611-01 and 416-611-03 – Encina Hills. April 28, 2008 (LIB060467).
  - Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001 (LIB060467).
  - Zander Associates. Biological Resources Assessment. July 13, 2001 (LIB060470).
  - Zander Associates. Biological Resources Assessment. November 11, 2005 (LIB060470).
  - Zander Associates. Results of Follow-Up Survey. October 3, 2001 (LIB060470).
  - Preliminary Drainage Report for Encina Hills Subdivision prepared by Whitson Engineers, Monterey, California. September 28, 2006. (LIB060566).
  - Preliminary Drainage Report for Encina Hills Subdivision prepared by Whitson Engineers, Monterey, California. March 22, 2007. (LIB070167).
  - 72 Hour Constant Rate Well Pumping and Aquifer Recovery Tests for Ambler Oaks & Encina Hills Wells for Harper Canyon Subdivision prepared by Bierman Hydrogeologic, February 7, 2015 (LIB150059).

The recommendations contained in said reports shall be followed in further development of this property." (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to or concurrent with recording the first final map, the Owner/Applicant shall submit proof of recordation of this notice to RMA - Planning.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

3/4/2015 8:52:45AM

LAWRENCEL

Condition Compliance Status Report for PLN000696

9. PDSP001 - DEED RESTRICTION - BEST MANAGEMENT PRACTICES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the recording the first final map, the applicant shall record a deed restriction as a condition of project approval stating that:

"Prior to any grading and construction and issuance of grading and building permits, throughout construction and ongoing, the Owner/Applicant and Contractor and Qualified Biologist shall be adhere to following Best Management Practices (BMPs) throughout construction activities to avoid impacts to the Coast Live Oak Forest habitat:

- Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary;
- No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above;
- No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional;
- Roots exposed by excavation during construction shall be pruned promptly to promote callusing, closure, and regrowth; and;
- All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel.

1. Prior to commencement of project construction, issuance of grading or building permits, throughout construction and ongoing, the applicant and their designated contractor shall be responsible for implementing Best Management Practices.
2. This condition shall be shown as a note on the final map and all construction plans.
3. A monitoring inspection shall occur prior to issuance of grading and/or building permits. Submit a report of inspection to the RMA – Planning Director for review and approval.
4. A monitoring inspection shall occur prior to occupancy or final permit. Submit a report of inspection to the RMA – Planning Director for review and approval."  
(RMA – Planning)

Compliance or Monitoring Action to be Performed:

This condition shall be included as a note on each final map and in the CC&Rs.

Prior to the recordation of the first final map, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA – Planning for review and signature by the County.

The deed restriction shall be recorded concurrently with the first final map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:31:06PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

10. PDSP002 - EMERGENCY ACCESS EASEMENT (NON-STANDARD)

Current Status: Not Met
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the recording the first final map, the applicant shall indicate and offer an Emergency Access Easement to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision. (RMA - Planning, RMA - Public Works Department, Monterey Regional Fire Protection District)

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall explore with the Monterey Regional Fire Protection District the placement of Emergency Access Easement to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision, and then confirm to RMA - Planning and RMA - Public Works that such easement is feasible and is shown on the final map.

Prior to recording the first final map, the Owner/Applicant shall design and incorporate all infrastructure as necessary to convey such emergency access into the roadway and subdivision improvements, subject to review and approval of RMA - Planning and RMA - Public Works.

Prior to recording the first final map, the Owner/Applicant shall prepare the easement document to convey an Emergency Access Easement to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision. The document shall be submitted to RMA - Planning and RMA - Public Works for review and approval.

The easement shall be recorded concurrently with the first final map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:31:36PM

ROTHARMELL

11. PDSP003 - SETBACKS FROM TORO PARK (NON-STANDARD)

Current Status: Not Met
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: For those properties adjacent to Toro Regional Park, building areas shall be set back at least 100 feet to allow for control of vegetation and fire fuel loads. This setback of 100 feet would apply to Lots 1, 2, and 11-15. The final map shall illustrate a 100 foot buffer intended for control of vegetation and fire fuel loads and shall indicate that structures are not permitted within the buffer. (RMA - Planning and RMA - Public Works)

Compliance or Monitoring Action to be Performed: Prior to recording the final map that includes Lots 1, 2, 11, 12, 13, 14, and/or 15, the Owner/Applicant shall show on the final map that the areas on Lots, 1, 2, 11, 12, 13, 14, and 15 within 100 feet of Toro Regional Park are for control of vegetation and fire fuel loads. No structures shall be permitted within this area. The map shall be submitted to RMA - Planning and RMA - Public Works for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:32:14PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

12. PDSP005 - WATER INTENSIVE USES PROHIBITED (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to recording the first final map, the project applicant shall submit CC&Rs for review and approval by the Director of RMA - Planning that prohibit water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots and common areas. (RMA - Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to recording the first final map, the Director of RMA - Planning shall review the CC&Rs to verify that water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots and common areas are prohibited.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:33:01PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

13. PDSP006 - LANDSCAPING (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the project applicant shall submit for review and approval by the Director of RMA - Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. The Landscape Documentation Package shall demonstrate compliance with the substantive requirements of the Department of Water Resources' Model Water Efficient Landscape Ordinance, Title 23, California Code of Regulations, Sections 490–495, or any subsequent water conservation Ordinance adopted by the County for the same purpose. The final map and each site plan shall indicate that submittal and approval of the Landscape Documentation Package for each lot is required for development of the lot prior to issuance of building permits. Building permits shall specify ongoing compliance with the ordinances in place at the time of issuance. (RMA - Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permits, the project applicant shall submit for review and approval by the Director of RMA - Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. The Landscape Documentation Package shall demonstrate compliance with the substantive requirements of the Department of Water Resources' Model Water Efficient Landscape Ordinance, Title 23, California Code of Regulations, Sections 490–495, or any subsequent water conservation Ordinance adopted by the County for the same purpose. Ongoing compliance with the ordinances in place at the time of issuance of building permits shall be required.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:33:29PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

14. PDSP007 - ULTRA LOW FLOW DEVICES (NON-STANDARD)

**Current Status:** Not Met  
**Responsible Department:** Planning Department  
**Condition/Mitigation Monitoring Measure:** Prior to recording the first final map, the project applicant shall submit for review and approval by the Director of RMA - Planning CC&Rs that contain language requiring that all toilets installed on the project site meet the requirements of the U.S. Environmental Protection Agency's specifications for Water Sense Tank-Type High-Efficiency Toilets and ultra low flow devices, respectively. (RMA - Planning)  
**Compliance or Monitoring Action to be Performed:** This condition shall be included as a note on each final map and in the CC&Rs.  
Prior to recording the first final map, the Director of RMA - Planning shall review the CC&Rs to verify that they contain language requiring that all toilets installed on the project site meet the requirements of the U.S. Environmental Protection Agency's specifications for Water Sense Tank-Type High-Efficiency Toilets and ultra low flow devices, respectively.

*Comments By Staff* *Last Update on:* 4/27/2015 1:33:54PM *Updated By:* ROTHARMELL

15. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

**Current Status:** Not Met  
**Responsible Department:** Planning Department  
**Condition/Mitigation Monitoring Measure:** A copy of the Resolution of Approval (Resolution No. 15-084) for the Harper Canyon (Encina Hills) Combined Development Permit (Planning File No.: PLN000696) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)  
**Compliance or Monitoring Action to be Performed:** This condition shall be included as a note on each final map and in the CC&Rs.  
Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.  
  
Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

*Comments By Staff* *Last Update on:* 5/20/2015 10:45:01AM *Updated By:* LAWRENCEL

Condition Compliance Status Report for PLN000696

16. PD051 - REMAINDER PARCEL ON THE PARCEL/FINAL MAP

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map that includes the Remainder Parcel stating "Prior to a permit or other grant of approval for the development of a remainder parcel, a Certificate of Compliance shall be recorded for the remainder parcel." Notes shall also be placed on the final map specifying the conditions required for the remainder parcel. The conditions shall enumerate all construction requirements for improvements, including payment of fees associated with any deferred improvements, which are necessary for public health or safety or as a prerequisite to the orderly development of the surrounding area. The conditions shall be fulfilled prior to a permit or other grant of approval for the development of a remainder parcel. (RMA- Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map that contains the Remainder Parcel, the Owner/Applicant shall submit a draft final map with conditions applicable to the remainder parcel to RMA - Planning and RMA - Public Works for review and approval.

Prior to a permit or other grant of approval for the development of a remainder parcel, the Owner/Applicant shall request that RMA-Planning record a Certificate of Compliance for the remainder parcel.

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

17. PD052 - PRE-CONSTRUCTION MEETING

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact RMA-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

18. PD011(A) - TREE REMOVAL

**Current Status:** Not Met  
**Responsible Department:** Planning Department  
**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. (RMA-Planning)  
**Compliance or Monitoring Action to be Performed:** This condition shall be included as a note on each final map and in the CC&Rs. 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.

*Comments By Staff* *Last Update on:* 4/29/2014 1:10:23PM *Updated By:* LAWRENCEL

19. PD032(A) - PERMIT EXPIRATION

**Current Status:** Not Met  
**Responsible Department:** Planning Department  
**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 2 years, to expire on April 7, 2017 unless final map has been recorded within this period. (RMA-Planning)  
**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall record the first final map to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

*Comments By Staff* *Last Update on:* 3/4/2015 8:56:44AM *Updated By:* LAWRENCEL

20. EDSP001 - AFFORDABLE HOUSING (NON-STANDARD)

**Current Status:** Not Met  
**Responsible Department:** Economic Development  
**Condition/Mitigation Monitoring Measure:** The project is subject to the County's Inclusionary Housing Ordinance, #3419, which requires that prior to the recording the final map, the project applicant pay, or secure to the satisfaction of the Economic Development Department Director, an in-lieu fee of \$409,555.50, (\$160,610 per inclusionary unit, 2.55 equivalent units required). (Economic Development Department)  
**Compliance or Monitoring Action to be Performed:** Prior to recording the first final map, the Owner/Applicant shall submit payment of the in-lieu fee and/or executed documents to secure payment to the Director of the Economic Development Department.

*Comments By Staff* *Last Update on:* 4/27/2015 1:34:41PM *Updated By:* ROTHARMELL

**Condition Compliance Status Report for PLN000696**

**21. PDSP004 - WILDLIFE CORRIDOR PLAN**

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** In order to remove obstacles that would impair movement of wildlife, keep the landscape as permeable as feasible to facilitate wildlife movement, and preserve wildlife corridors between Toro County Park and the Fort Ord National Monument, the Owner/Applicant shall submit a Wildlife Corridor Plan ("Plan") for all the lots on the vesting tentative map. The Plan shall be prepared in consultation with a qualified biologist with expertise in wildlife connectivity planning and is subject to approval by RMA-Planning. The Plan shall include the following elements to ensure effective wildlife movement:

- Fencing: limit fence height (how tall as well as ground clearance), ensure adequate openings in fencing (e.g. post and rail), indentify fence types, and identify areas where no fencing will be allowed (e.g. areas adjacent to natural drainage courses). The plan may allow limited solid fencing in the developed areas within the building envelopes as required by Mitigation Measure MM 3.1-2b.
- Lighting: incorporate wildlife-friendly lighting and identify placement of lighting that minimizes impacts to wildlife.  
(RMA-Planning)

**Compliance or Monitoring Action to be Performed:** This condition shall be placed as a note on each final map and in the CC&Rs.

Prior to recording the first final map, the Owner/Applicant shall prepare a Wildlife Corridor Plan in consultation with a qualified biologist with expertise in wildlife connectivity planning. The Wildlife Corridor Plan shall include elements to ensure effective wildlife movement in accordance with the condition. The Plan shall be submitted to RMA-Planning for review and approval.

*Comments By Staff*

*Last Update on:*

*Updated By:*

4/27/2015 1:35:08PM

ROTHARMELL

**22. EH1 - WATER SYSTEM PERMIT**

**Current Status:** Not Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Obtain a new or amended water system permit from the Division of Environmental Health.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading/ building permits or prior to filing the first final map, submit necessary application, reports and testing results to EH for review and approval.

*Comments By Staff*

*Last Update on:*

*Updated By:*

4/27/2015 1:35:36PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

23. EH3 - WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM)

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Water system improvements shall include the installation of a minimum 5 horsepower (hp) pump in the Oaks well owned by California-American Water Company (Cal-Am Water Co.) at the Owner/Applicant's expense.

Compliance or Monitoring Action to be Performed: Prior to filing the first final map, submit engineered plans for the water system improvements to Cal Am Water Co. for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by Cal Am Water Co. prior to installing or bonding the improvements.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:35:59PM

ROTHARMELL

24. EH4 - FIRE FLOW STANDARDS

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to installing or bonding water system improvements, submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:36:49PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

25. EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:37:37PM

ROTHARMELL

26. EH6 - WATER SERVICE CAN/WILL SERVE

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that Cal Am Water Co. can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards.

Compliance or Monitoring Action to be Performed: Prior to filing the first final map and/or issuance of a building permit, submit written certification to the Division of Environmental Health for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:37:55PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

27. EHSP02 HAZARDOUS WASTE CONTROL

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The owner/ operator of the water treatment plant shall comply with the standards found in the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Division 20, Chapter 6.5, and the Monterey County Code Chapter 10.65 for the proper handling, storage and disposal of Hazardous Waste generated at the plant as approved by the Environmental Health Bureau (EHB).

Compliance or Monitoring Action to be Performed: This condition shall be placed as a note on each final map.

Prior to commencement of operation of the water treatment plant the owner/operator shall be registered with Hazardous Materials Management Services of the Environmental Health Bureau.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:38:36PM

ROTHARMELL

28. EH24 - SEWER SERVICE CAN/WILL SERVE

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Provide certification to the Division of Environmental Health that Cal Utilities can and will provide sewer service for the proposed property/project.

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of a building permit, submit certification to Environmental Health for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:38:57PM

ROTHARMELL

29. EH25 - INSTALL/BOND SEWER SYSTEM IMPROVEMENTS

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the sewer system improvements and provide security guaranteeing the performance of the Agreement.

Compliance or Monitoring Action to be Performed: Prior to filing each final map, submit evidence to the Division of Environmental Health that the sewer system improvement installation has been accepted by the regulating agency or that the developer has entered into a Subdivision Improvement Agreement and has provided security acceptable to the County.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:39:19PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

30. EHSP01 HAZ MAT BUSINESS RESPONSE PLAN

Current Status: Not Met

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant / owner operator of the water treatment plant, shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: This condition shall be placed as a note on each final map.

Prior to issuance of grading / building / operating permits for the construction of the water treatment plant, the applicant /owner operator of the water treatment plant shall submit a signed Business Response Plan – Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with HMMS prior to bringing hazardous materials on site and/or commencement of operation. Once approved, the applicant shall maintain an up-to date Business Response Plan.

Comments By Staff

Last Update on: Updated By:

4/27/2015 1:39:41PM ROTHARMELL

31. PKSSP001 – RECREATION REQUIREMENTS/ LAND DEDICATION (NON-STANDARD CONDITION)

Current Status: Not Met

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Applicant shall comply with Section 19.12.010 - Recreation Requirements, Subsection E.1., General Formula, by dedicating land to Monterey County that is contiguous to Toro County Park in the amount of approximately 154 acres with improvements to said land to satisfy recreation fees otherwise imposed. The improvements shall include (1) the repair of the fencing that delineates the dedicated park property from the proposed subdivision toward discouraging trespassing into the park along this boundary, and (2) the removal of the fencing that divides the large meadow area at the center of the property for improved public use. The property transfer to Monterey County shall not be encumbered by a grazing lease, but shall be at the discretion solely of the County Parks Department. The applicant shall submit to the Parks Department for review and approval the necessary documentation to facilitate the land donation. (Parks Department)

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall submit to the Parks Department for review and approval the necessary documentation to facilitate the land donation prior to the recordation of the Final Map, including a plan for the improvements to be made on the dedicated parcels(s) to open the large meadow area at the center of the property for public use by fence removal, and to discourage trespassing into the park from the proposed subdivision by repairing the fencing between the two properties.

Comments By Staff

Last Update on: Updated By:

4/27/2015 1:40:07PM ROTHARMELL

Condition Compliance Status Report for PLN000696

32. PKSSP002 – NON STANDARD CONDITON

**Current Status:** Not Met  
**Responsible Department:** Parks Enforcement

**Condition/Mitigation Monitoring Measure:** While the final location of homesites may vary from the "approximate" homesite locations depicted on the Tentative Map, the final locations shall comply with the 30% slope and ridgeline regulations, as specified in Title 21. Additionally, in order to protect public views from Toro Park, no buildings shall be constructed on the highest knoll of Lot 1 or at other home sites along the Toro County Park boundary line so as not to be visible from common public viewing areas within the Park. (Parks Department)

**Compliance or Monitoring Action to be Performed:** This condition shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of building permits, the Owner/Applicant shall provide evidence to the County Parks Department that construction of residences along the Toro County Park boundary line is not visible to park visitors. The County Parks Department shall require at their discretion, such evidence as staking and flagging of the residences on-site, site visits, and/or simulated views imposed on photographs when viewed from common public viewing areas within the park.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:40:26PM

ROTHARMELL

33. PRKSSP003 – PROHIBITION AGAINST PRIVATE ENTRANCE INTO TORO COUNTY PARK (NON-STANDARD CONDITION)

**Current Status:** Not Met  
**Responsible Department:** Parks Enforcement

**Condition/Mitigation Monitoring Measure:** The 30-foot wide emergency access easement between Alta Lane and the Toro County Park boundary shall not be used as a public or private access point or a trail into the park. Prior to filing the first final map, the identification of this easement as a trail shall be removed from the map. (Parks Department)

**Compliance or Monitoring Action to be Performed:** Prior to recording the first final map, the Owner/Applicant shall install a fence and signage that prohibits use as an access point into Toro County Park and the Homeowner's Association shall maintain that fence and signage to ensure its structural integrity and status as a bar to public or private access to Toro County Park. The County Parks Department shall review and approve this CC&R provision, the fencing and signage, and may reinforce this prohibition with supplemental signage at appropriate locations at its discretion.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:40:44PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

34. PW0002 - ENCROACHMENT (TURN)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct left turn channelization at the intersection of Meyer Road and San Benancio Road. (Public Works)

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to Building/Grading Permit Issuance Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:41:11PM

ROTHARMELL

35. PW0015 - UTILITY'S COMMENTS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Owner/ Applicant/ Subdivider shall submit the approved tentative map to impacted utility companies. Subdivider shall provide confirmation to the Department of Public Works that the utility companies have reviewed and approved the tentative map. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of each final map, the Owner/ Applicant/ Subdivider shall provide each vesting tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:41:36PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

36. PW0016 - MAINTENANCE OF SUBDIVISIONS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The subdivider shall pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:39:22PM

ROTHARMELL

37. PW0017 - NATURAL DRAINAGE EASEMENT

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Subdivider shall designate all natural drainage channels on the final map by easements labeled "Natural Drainage Easement." (RMA- Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of each final map, the Subdivider shall submit each proposed final map to the Public Works Department prior to recordation to verify compliance.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:42:01PM

ROTHARMELL

38. PW0020 - PRIVATE ROADS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads. (Public Works)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the Subdivider's Surveyor shall designate private roads on each final map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:40:00PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

39. PW0021 - ROAD NAMES

**Current Status:** Not Met  
**Responsible Department:** Public Works Department  
**Condition/Mitigation Monitoring Measure:** Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)  
**Compliance or Monitoring Action to be Performed:** Prior to Recordation of each Final Map, the Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:42:27PM

ROTHARMELL

40. PW0023 - IMPROVEMENT PLANS

**Current Status:** Not Met  
**Responsible Department:** Public Works Department  
**Condition/Mitigation Monitoring Measure:** Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)  
**Compliance or Monitoring Action to be Performed:** Prior to Recordation of each Final Map, the Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of each Final Map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:43:03PM

ROTHARMELL

41. PW0024 - STOP SIGN

**Current Status:** Not Met  
**Responsible Department:** Public Works Department  
**Condition/Mitigation Monitoring Measure:** Install and maintain a stop sign at the private road intersection fronting proposed lots 12, 14, 15, and 16. (Public Works)  
**Compliance or Monitoring Action to be Performed:** Prior to approval of the first final map, the Applicant shall construct the improvements or enter into a Subdivision Improvement Agreement with financial security to construct the improvements within a time frame required by Public Works.

On an ongoing basis, Subdivider/Applicant/HOA shall install and maintain stop sign.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:39:40PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

42. PW0026 - PLANTING FOR GRADED AREAS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following:

- a. That the cut and fill slopes be stabilized.
- b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a).
- c. Type and amount of maintenance required to satisfy item (a). (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of each Final Map, Subdivider's Engineer to include erosion control measures on improvement plans.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:43:40PM

ROTHARMELL

43. PW0027 - CUT/FILL SLOPE (2:1)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geo-technical report. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of each Final Map, Subdivider/Engineer shall include notes on Improvement Plans.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:44:05PM

ROTHARMELL

## Condition Compliance Status Report for PLN000696

### 44. PW0030 – HOMEOWNERS ASSOCIATION

**Current Status:** Not Met

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Form a homeowners association (HOA) for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to Recordation of the first Final Map, Subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.

*Comments By Staff*

*Last Update on:*

*Updated By:*

4/27/2015 1:44:27PM

ROTHARMELL

### 45. PW0032 - AS BUILT PLANS

**Current Status:** Not Met

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to Release of Bonds, Subdivider/Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.

*Comments By Staff*

*Last Update on:*

*Updated By:*

4/27/2015 1:44:49PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

46. PWSP001 - NON-STANDARD - CONSTRUCTION MANAGEMENT PLAN

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of Grading Permits or Building Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases, the Owner/Applicant/Contractor shall implement the approved measures during the construction/ grading phase of the project.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:40:23PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

47. PWSP002 - UTILITIES - SUBDIVISION (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: All new utilities installed for the purpose of providing service to the subdivision shall be placed underground. The utilities shall either be installed prior to recordation of each final map, or bonded through a Subdivision Improvement Agreement prior to filing each final map. If the installation of the improvements are bonded through a Subdivision Improvement Agreement, a note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to this subdivision shall be placed underground in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." The note shall be located in a conspicuous manner subject to the approval of the Director of RMA-Public Works. (RMA- Public Works)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to recording each final map, the Owner/ Applicant shall Install or bond through a Subdivision Improvement Agreement for the underground utility facilities.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:47:52PM

ROTHARMELL

48. PWSP003 - NON-STANDARD - TRAFFIC

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of the first final map, the project applicant shall contract with a certified engineer to design roadway improvements to widen and resurface Meyer Road per the County of Monterey standards for a cul-de-sac private road (e.g. 18-foot wide roadbed). The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (Public Works)

Compliance or Monitoring Action to be Performed: 1.- Prior to approval of the first Final Map, the Project Applicant shall obtain approval of the roadway improvement plans from the Department of Public Works.

2.- Prior to approval of the first Final Map, the Project Applicant shall construct improvements to Meyer Road in accordance with approved roadway improvement plans or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to occupancy of any of the residential units.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:45:39PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

49. PWSP004 - NON-STANDARD - TRAFFIC

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of the first final map, the project applicant shall contract with a qualified traffic engineer to prepare a sight distance improvement plan at the Meyer Road/San Benancio Road intersection. The improvement plan shall include but not be limited to the following: trimming the vegetation and grading the embankment in the vicinity of the intersection and installing right turn tapers into and out of Meyer Road. The design of all intersection improvements shall be subject to review and approval by the County of Monterey Public Works Department. All improvements shall be completed prior to occupancy of any residential units. (Public Works)

Compliance or Monitoring Action to be Performed: 1.- Prior to approval of the first Final Map, the Project Applicant shall obtain approval of sight distance improvement plans from the Department of Public Works.  
2.- Prior to approval of the first Final Map, the Project Applicant shall Implement site distance improvement plan in accordance with approved plans or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to occupancy of any of the residential units.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:46:05PM

ROTHARMELL

50. PWSP005 - NON-STANDARD - TRAFFIC

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of the first final map, the project applicant shall design a 12-foot wide southbound San Benancio Road left-turn lane at the Meyer Road/San Benancio Road intersection in accordance with Caltrans standards and guidelines and shall construct the improvement no later than prior to issuance of a grading permit for road improvements. (Public Works).

Compliance or Monitoring Action to be Performed: Prior to approval of the first Final Map, the Project Applicant shall design said improvements, submit the plans for review and approval by Public Works, and construct the improvements or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to issuance of a grading permit for road improvements.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:46:42PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

51. PWSP008 - NON-STANDARD - TRAFFIC

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The turn-around bulb on Sierra Lane and Alta Lane shall be paved to a width subject to the approval of the Monterey Regional Fire Protection District. (Public Works)

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

1.- Prior to issuance of grading and/ or building permit, the Applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

2.- Prior to final building inspection, the Applicant or owner shall schedule fire dept. clearance inspection for each phase of development.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:47:27PM

ROTHARMELL

52. PWSP009 - NON-STANDARD - TRAFFIC

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and implement/ construct improvements as specified in the approved sight distance improvement plan at the Meyer Road/ San Benancio Road intersection. (Public Works)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on the first final map and in the CC&Rs.

Prior to Building/ Grading Permit Issuance, Owner/ Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:48:26PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

53. WR041 - NOTICE OF WATER CONSERVATION REQUIREMENTS

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: 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)

Compliance or Monitoring Action to be Performed: 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.

Recordation of the notice shall occur concurrently with each final map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:48:46PM

ROTHARMELL

54. WR042 - LANDSCAPING REQUIREMENTS

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: 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 each final map, a copy of the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: 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.

Recordation of the notice shall occur concurrently with each final map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:49:13PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

55. WR046 - CC&R WATER CONSERVATION PROVISIONS

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Water Resources Agency with a copy of the subdivision Covenants, Conditions and Restrictions containing the following provisions from Monterey County Ordinance No. 3932: "All new construction shall incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; the front yards of all homes shall be landscaped at the time of construction; low water use or drought tolerant plants shall be used together with water efficient irrigation systems; leak repair is the property owner's responsibility; vehicle and building washing shall use hoses equipped with shutoff nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to filing the first final map, submit the CC&R's to the Water Resources Agency for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:49:32PM

ROTHARMELL

56. WRSP001 - DRAINAGE NOTE

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A note shall be recorded on each final map stating: "Impervious surface stormwater runoff shall be directed to the stormwater drainage system. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency." Prior to recordation of each final map, the applicant shall provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to filing each final map, submit a copy of the final map to the Water Resources Agency for review and approval prior to recordation.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:50:04PM

ROTHARMELL

**Condition Compliance Status Report for PLN000696**

**57. WRSP002 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT**

**Current Status:** Not Met  
**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A homeowner's association, CSD, or similar entity shall be formed for the maintenance of roads and drainage facilities. Prior to filing the final map, a copy of a signed and notarized Drainage and Flood Control Systems Agreement (Agreement) shall be provided to the Water Resources Agency for review & approval. The Agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Agency for review and approval no later than August 15 of each year. If the responsible party identified in the Agreement, after notice and hearing, fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance, or improvements from the property owners upon their property tax bills. A hearing shall be provided before the Board of Supervisors to determine the appropriateness of the cost. The Agreement shall be recorded concurrently with the first final map. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval. A copy of the County's standard agreement can be obtained at the Water Resources Agency.

The Agreement shall be recorded concurrently with the first final map.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
.....	4/27/2015 1:50:27PM	ROTHARMELL

**58. WRSP003 - COMPLETION CERTIFICATION**

**Current Status:** Not Met  
**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that the stormwater detention facilities have been constructed in accordance with approved plans. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** This condition shall be included as a note on each final map.

Prior to issuance of any building permits, the applicant shall submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with the approved drainage plan.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
.....	4/27/2015 1:50:51PM	ROTHARMELL

Condition Compliance Status Report for PLN000696

59. FIRE001 - ROAD ACCESS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as Fire Department Notes on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval of the final fire inspection.

Comments By Staff

Last Update on:

Updated By:

4/7/2015 4:03:57PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

60. FIRE002 - ROADWAY ENGINEERING

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as 'Fire Department Notes' on improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of the roadway improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval of the final fire inspection.

Comments By Staff

Last Update on:

Updated By:

4/7/2015 4:04:22PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

61. FIRE006 - DEAD-END ROADS (4)

Current Status: Not Met

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as "Fire Department Notes" on improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of the roadway improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

**Condition Compliance Status Report for PLN000696**

**62. FIRE007 - DRIVEWAYS**

**Current Status:** Not Met

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or Monitoring Action to be Performed:** The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the driveway into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of driveway improvements and obtain fire department approval of the final fire inspection.

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
	4/7/2015 4:04:49PM	LAWRENCEL

Condition Compliance Status Report for PLN000696

63. FIRE008 - GATES

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval of the final fire inspection.

Comments By Staff

Last Update on:

Updated By:

4/7/2015 4:06:56PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

64. FIRE009 - BRIDGES

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the bridge into design and print the text of this condition as "Fire Department Notes" on improvement plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of bridge improvements and obtain fire department approval of the final fire inspection.

Comments By Staff

Last Update on:

Updated By:

4/7/2015 4:07:18PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

65. FIRE010 -ROAD SIGNS

Current Status: Not Met

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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, 1/2-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any 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. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to filing of each final map, the Applicant shall incorporate the road sign specification into design and print the text of this condition as "Fire Department Notes" improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of road signs and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

66. FIRE011 - ADDRESSES FOR BUILDINGS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

67. FIRE016 - SETBACKS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.  
Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

68. FIRE017 - DISPOSAL OF VEGETATION AND FUELS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.  
Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and disposal and shall obtain fire department approval of the final fire inspection

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

69. FIRE018 - GREENBELTS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the Reviewing Authority. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to filing of each final map for subdivisions, Applicant shall incorporate specification into the improvement plans and print the text of this condition as "Fire Dept. Notes" on the improvement plans

Prior to issuance of building permits, Applicant shall complete the greenbelt(s) and shall obtain fire department approval of the subdivision improvements

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

70. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

Comments By Staff

Last Update on:

Updated By:

4/7/2015 4:08:05PM

LAWRENCEL

Condition Compliance Status Report for PLN000696

71. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

**Current Status:** Not Met  
**Responsible Department:** Fire  
**Condition/Mitigation Monitoring Measure:** All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Responsible Land Use Department: Monterey County Regional Fire District  
**Compliance or Monitoring Action to be Performed:** The condition shall be included as a note on each final map.  
Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Comments By Staff

Last Update on:

Updated By:

4/29/2014 1:10:23PM

LAWRENCEL

72. FIRES001 - NON-STANDARD CONDITION - ROADWAY & WATER SYSTEM ENGINEERING PLANS

**Current Status:** Not Met  
**Responsible Department:** Fire  
**Condition/Mitigation Monitoring Measure:** Roadway and water system improvements shall be submitted and approved by the Monterey County Regional Fire District prior to the approval of each subdivision final map. Responsible Agency: Monterey County Regional Fire District  
**Compliance or Monitoring Action to be Performed:** Prior to approval of each final map, Applicant shall submit roadway and water system improvement plans to the fire district and obtain fire district approval of the plans.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:51:39PM

ROTHARMELL

73. FIRES002 - NON-STANDARD CONDITION - ROADWAY MAINTENANCE AGREEMENT

**Current Status:** Not Met  
**Responsible Department:** Fire  
**Condition/Mitigation Monitoring Measure:** The roadway maintenance agreement shall be executed and recorded. Responsible Agency: Monterey County Regional Fire District  
**Compliance or Monitoring Action to be Performed:** Prior to approval of the first final map, Applicant shall submit to the fire district an executed and recorded copy of the roadway maintenance agreement.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:52:29PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

74. FIRESPO03 - NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW

Current Status: Not Met

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Hydrants for fire protection shall be provided at locations approved by the Monterey County Regional Fire District and shall conform to the following requirements:

- a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow for one and two-family dwellings is 1,000 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Fire Flow for one- and two-family dwellings protected with automatic fire sprinkler systems may be reduced to 500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours.
- b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
- c. HYDRANT/FIRE VALVE (ADDITION) - New hydrant(s) shall be installed.
- d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant(s) or fire valve(s) shall be 18 inches above grade (at the lowest outlet), 8 feet from combustible vegetation, not closer than 4 feet and not further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
- e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix C and in accordance with the following specifications:
  - 1. HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches in diameter (nominal) and shall be wet barrel type with a coefficient of 0.9.
  - 2. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Responsible Agency: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to approval of each final map, Applicant shall incorporate the fire hydrant specification into the water system improvement plans and print the text of this condition as "Fire Department Notes" on the water system improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of water system improvements and obtain fire department approval of the water system fire clearance inspection for each phase of development.

Comments By Staff

Last Update on: Updated By:

4/27/2015 2:40:56PM ROTHARMELL

Condition Compliance Status Report for PLN000696

75. MM 3.1-1 AESTHETICS AND VISUAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to recording the Final Subdivision Map, the project applicant designate the knoll located along the eastern boundary of Lot #1 as a "scenic easement." The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement." (RMA-Planning)

Compliance or Monitoring Action to be Performed: The Scenic Easement shall be conveyed to the County of Monterey.

Prior to recording the final map containing Lot #1, the Owner/Applicant shall submit the final map to the Director of RMA - Planning for review and approval. The Director of RMA - Planning shall prepare the Scenic Easement document and the Owner/Applicant shall sign the Scenic Easement document in the presence of a notary.

The Scenic Easement shall be recorded concurrent with recording the final map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:41:34PM

ROTHARMELL

76. MM 3.1-2a AESTHETICS AND VISUAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to recording the Final Subdivision Map, Monterey County Planning Department shall require that the project applicant designate all land that exceeds slopes of 30 percent as "scenic easements" in accordance with Policy 26.1.10 of the Monterey County General Plan, except where roadway improvements have no other alternative. This includes land exceeding 30 percent slopes within the 17 residential lots. The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement." (RMA-Planning)

Compliance or Monitoring Action to be Performed: The Scenic Easement shall be conveyed to the County of Monterey.

Prior to recording each final map, the Owner/Applicant shall submit the final map to the Director of RMA - Planning for review and approval. The Director of RMA - Planning shall prepare the Scenic Easement document and the Owner/Applicant shall sign the Scenic Easement document in the presence of a notary. The Scenic Easement document shall also incorporate the applicable recommendations in the approved Wildlife Corridor Plan required in RMA-Planning Condition PDSP004 (Condition No. 21).

The Scenic Easement shall be recorded concurrent with recording of each final map.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:45:33PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

77. MM 3.1-2b AESTHETICS AND VISUAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To further reduce the potential visibility of proposed development from common public viewing areas, Toro Park, BLM public lands and State Route 68, prior to recording the Final Subdivision Map, the project applicant shall designate building envelopes on each proposed lot and clearly identify the location of all utility and infrastructure improvements (including water tank(s)) to define the building areas. The building envelopes, utilities and infrastructure improvement locations shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. These shall be subject to review and approval by the RMA-Planning Department. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall designate building envelopes and shall clearly identify the location of all utility and infrastructure improvements (including water tanks). The building envelopes, utilities and infrastructure improvement locations shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. The final map shall be submitted to the Director of RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:46:18PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

78. MM 3.1-2c AESTHETICS AND VISUAL RESOURCES

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In order to preserve the visual character of the project site and surrounding area, the project applicant shall prepare design standards that shall be recorded on the titles for all of the parcels. These shall apply to all site development, architectural design and landscape plans. These shall include the following elements:
a) Use of natural materials, simulated natural materials, texturing and/or coloring that will be used for all walkways, patios, and buildings.
b) Use of rolled curbs for areas where curbs may be required;
c) Substantial use of vegetative screening using a native drought tolerant plant palette to obscure off-site view;
d) Re-planting with native grasses and vegetation of any roadways serving the subdivision and individual parcels; and
e) A planting plan shall be submitted to the RMA-Planning Department for review and approval prior to the approval of grading plans for creation of subdivision roadways. A planting plan shall be submitted as part of the Design Review approval process for each residential lot. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs. Prior to recording each final map, the Owner/Applicant shall submit the final map to the Director of RMA - Planning for review and approval.

The Director of RMA - Planning shall prepare the a deed restriction reflecting the language in the condition and the Owner/Applicant shall sign the deed restriction in the presence of a notary.

The deed restriction shall be recorded concurrently with each final map.

Prior to issuance of grading permits for roadways and during the design review for development on each lot, the Owner/Applicant shall submit a planting plan to RMA-Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:46:57PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

79. MM 3.1-4 AESTHETICS AND VISUAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on lots proposed on the project site, Monterey County Planning Department shall require that the project applicant prepare and submit for review and approval a detailed lighting plan that indicates the location, type, and wattage of all light fixtures to be installed on the project site and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The lighting plan shall be consistent with Section 18.28 of Monterey County Code, to minimize glare and light spill. All external lighting shall be indicated on project improvement plans, subject to review and approval by the County of Monterey. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** This condition shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permits or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on lots proposed on the project site, the Owner/Applicant prepare and submit a detailed lighting plan that indicates the location, type, and wattage of all light fixtures to be installed on the project site and include catalog sheets for each fixture to the Director of RMA - Planning for review and approval. The lighting plan shall also incorporate the applicable recommendations in the approved Wildlife Corridor Plan required in RMA-Planning Condition PDSP004 (Condition No. 21).

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:47:38PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

80. MM 3.2-1a AIR QUALITY

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce airborne particulate matter, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure;
- Prohibit all grading activities during periods of high wind (over 15 mph);
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;
- Cover all trucks hauling soil, sand, and other loose materials and require all trucks to maintain at least 2 feet of freeboard;
- Plant vegetation ground cover in disturbed areas as quickly as possible;
- Sweep daily, with water sweepers, all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets;
- Plant tree windbreaks on the windward perimeter of construction project if adjacent to open land;
- Cover inactive storage piles;
- Install wheel washers at the entrance to construction sites for all existing trucks;
- Pave all roads on construction sites;
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints; and
- Limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading). (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a grading plan to RMA-Planning noting best available control measures for minimizing PM10 emissions.

On an on-going basis during construction, the Contractor shall implement the requirements of this mitigation measure.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:48:05PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

81. MM 3.2-1b AIR QUALITY

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce toxic air contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:  
- Limit the hours of operation consistent with related noise restrictions;  
- Utilize gasoline-powered equipment whenever an equipment choice is available;  
- Use PuriNOx emulsified diesel fuel in existing engines;  
- Repower and utilize heavy equipment with current standard diesel technology or CNG/LNG technology; and  
- Demonstrate on construction documents how construction phasing and equipment programming will comply with County policies and BACMs identified by the Air District. (RMA-Planning)

Compliance or Monitoring Action to be Performed:

This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of grading permits, the Owner/Applicant shall submit a grading plan to RMA-Planning that demonstrates how the best available control measures for controlling ozone precursors (NOx and ROG), SOx, CO, and other toxic air contaminate emissions will be implemented during grading and construction of the project.

On an on-going basis during construction, the Contractor shall be responsible for implementing the approved plan to ensure control of ozone precursors (NOx and ROG), SOx, CO, and other toxic air contaminate emissions.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:48:39PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

82. MM 3.3-1a BIOLOGICAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements, the project applicant shall submit for review and approval a pre-construction survey report. The pre-construction survey shall be prepared in consultation with a qualified biologist to summarize additional pre-construction focused plant surveys conducted in April and July and confirm the presence or absence of special status plants during the blooming period to reduce the potential loss of these species. These species are listed in Table 3.3-3, Additional Pre-Construction Focused Plant Surveys. If no individuals are observed, no further action is required. If individuals are found a report shall be prepared detailing the species potentially affected by the proposed project and the appropriate mitigation measures to reduce the loss of individuals, including siting development to minimize disturbance or removal of special status plant species. Informal consultation with CDFW/USFWS may be required. If Monterey spineflowers are found, informal consultation with USFWS shall be required. Mitigation may include but not be limited to avoidance of populations, restoration, maintenance, and enhancement and obtaining an Incidental Take Permit from the USFWS and notification with the CDFW. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

In April and July, prior to issuance of grading / building permit, the Owner/Applicant shall contract with a qualified biologist to conduct a pre-construction survey in April and July to determine the presence of special status-plant species. The focused plant survey shall be subject to review and approval by RMA-Planning.

Prior to issuance of grading / building permit, the Owner/Applicant shall submit a biological report from a qualified biologist that identifies the species potentially affected and appropriate mitigation measures to reduce loss of special status plants to RMA - Planning for review and verification of compliance with MM 3.3-1a.

If Monterey spineflower is found on the project site, the Owner/Applicant shall consult with the CDFW/USFWS and obtain appropriate permits as needed.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:53:37PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

83. MM 3.3-1b BIOLOGICAL RESOURCES

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Damage to Monterey Manzanita (Arctostaphylos montereyensis) shall be avoided or replaced during construction If the approximate locations of the home sites change within Lots #2 and #13, the project applicant shall hire a qualified biologist to cultivate stock of Monterey Manzanita plants from existing plants located within these lots. The individual Monterey Manzanita plants removed from within Lots #2 and #13 shall be replaced at a 3:1 ratio within undeveloped areas of Lots #2 and #13 using stock collected by qualified biologist. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the final maps containing Lots #2 and #13 and in the CC&Rs.

Prior to issuance of grading and/or building permit for Lots #2 and #13, the Owner/Applicant for Lots #2 and #13 shall contract with a qualified biologist to prepare a plan that demonstrates how avoidance and/or replacement of Monterey Manzanita will occur during grading and construction of the project. The plan shall be submitted to RMA-Planning for review and approval.

If locations of home sites within Lots #2 and #13 change, the applicant shall contract with a qualified biologist to remove and preserve stock of Monterey Manzanita plants located within the area of disturbance and the preserved Monterey Manzanita plants shall be replaced at a 3:1 ratio within undeveloped areas of Lots #2 and #13.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:54:09PM

ROTHARMELL

84. MM 3.3-2a BIOLOGICAL RESOURCES

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permit, Monterey County Planning Department shall require that the project applicant submit for review and approval a comprehensive landscape plan prepared in consultation with a qualified botanist. The plant list shall exclude any invasive and non-native plants and emphasize the use of native species requiring minimal irrigation, herbicides, pesticides, or fertilizers and are drought-tolerant native species from local sources. Drought-tolerant non-native species may be used if they are known to be non-invasive. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permit, the Owner/Applicant shall submit a landscape design plan prepared by a qualified botanist that complies with the requirements of MM 3.3-2a to RMA-Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:54:34PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

85. MM 3.3-2b BIOLOGICAL RESOURCES

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection of grading permit for subdivision improvements, Monterey County Planning Department shall require that the project applicant control the introduction of non-native, invasive plants through rapid re-vegetation of denuded areas with plants and seed harvested from areas proposed for development or other appropriate seed mixes. The seed mix selected shall contain native species of local genetic stock. If non-native species are within the mix, the species will be known not to be invasive or persistent. The seed mix shall contain species known to compete well against non-native, invasive species. In areas of re-vegetation, non-landscaped disruption and adjacent to landscaping, the project applicant shall have a botanist or resource ecologist annually monitor for non-native species and invasive plant species, especially French broom, for a period of three years and provide an annual written status report to Monterey County Planning Department. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of grading permit for subdivision improvements, the Owner/Applicant shall submit a grading plan to the RMA- Planning Department that details the re-vegetation plan for denuded areas.

Prior to final inspection of the grading permit, the Owner/Applicant shall contract with a qualified botanist or resource ecologist to submit to RMA-Planning annual reports for three years, to monitor and inspect surrounding landscaped areas adjacent to re-vegetated areas to ensure no non-native and invasive plant species are growing.

Annually for three years following re-vegetation, the Owner/Applicant shall submit reports prepared by a qualified botanist or resource ecologist demonstrating that no non-native and invasive plant species are growing in the areas of re-vegetation, non-landscaped disruption and adjacent landscaping.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:55:03PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

86. MM 3.3-2c BIOLOGICAL RESOURCES

Current Status: Not Met
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Monterey County Planning Department shall require that the project applicant consult with a qualified botanist to develop CC&Rs that describes the native flora and fauna and provides guidelines for homeowners to follow which limit disturbance of native habitat.

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a draft subdivision map that notes conditions, covenants and restrictions (CC&Rs) prepared in consultation with a qualified botanist, describing the native flora and fauna and provides guidelines for homeowners to follow to limit disturbance of native habitat.

Comments By Staff Last Update on: Updated By:
4/27/2015 1:55:23PM ROTHARMELL

87. MM 3.3-2d BIOLOGICAL RESOURCES

Current Status: Not Met
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, whichever comes first, Monterey County Planning Department shall require that the project applicant designs the proposed development on the project site so that homesites, landscaped areas and outbuildings are located a minimum of 75 feet to 100 feet from the active drainage channels to avoid filling or disturbing natural drainage courses.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to recording each final map, the Owner/Applicant shall submit a draft subdivision map that identifies all active drainage channels to Monterey County RMA - Planning for review and approval.

Prior to issuance of building or grading permits, whichever occurs first, the Owner/Applicant shall consult with and obtain necessary permits from CDFW and the U.S. Army Corps of Engineers for those lots that propose development within 100 feet of active drainage channels.

Comments By Staff Last Update on: Updated By:
4/27/2015 1:55:43PM ROTHARMELL

Condition Compliance Status Report for PLN000696

88. MM 3.3-3a BIOLOGICAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the issuance of grading and/or building permits, the project applicant shall submit for review and approval Final Forest Management Plan, prepared by a qualified forest manager, that minimizes the removal of Coast live oak (*Quercus agrifolia*) trees in accordance with the recommendations in Section 21083.4 of the Public Resources Code and the Forest Management Plan that was prepared for the proposed project by Staub Forestry and Environmental Consulting in June 2001. A qualified arborist or professional forester shall identify where trees can be retained and establish conservation easements, trees that need pruning, areas that require keyed fills, etc. All recommended pruning shall be performed by a qualified arborist or other tree professional and occur prior to commencement of grading. The Final Forest Management Plan shall be subject to review and approval by the Monterey County Planning Department prior to issuance of grading permits. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of a building or grading permit, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a Final Forest Management Plan that has been prepared by a qualified forest manager and complies with MM 3.3-3a, MM 3.3-3b, Section 21083.4 of the Public Resources Code, and the Forest Management Plan prepared in June 2001.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:56:04PM

ROTHARMELL

## Condition Compliance Status Report for PLN000696

### 89. MM 3.3-3b BIOLOGICAL RESOURCES

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure MM 3.3-3a. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the Monterey County Zoning Ordinance and Section 21083.4 of the Public Resources Code. Tree replacement on residential lots shall occur as space permits and may not exceed more than one tree per 10 foot by 10 foot block of available space. If a specific lot does not allow for replanting of trees, the project applicant shall have a qualified forester identify an alternate location for replanting on the project site. Tree replacement for infrastructure tree removals shall be placed within any scenic easements and/or the portion of the "Remainder Parcel" that would be dedicated to the Monterey County Parks Department as an extension of the adjacent Toro Park. All trees shall be replaced with Coast live oak (*Quercus agrifolia*) trees obtained from onsite sources or should be grown from local native seed stock in sizes not greater than five gallons, with one gallon or smaller being preferred to increase chances of successful adaptation to the project conditions. Replacement trees shall be monitored and maintained for a minimum of seven years after planting. The monitoring plan shall be prepared by a qualified professional forester, arborist, or horticulturalist, and shall be subject to review and approval by the County of Monterey Planning Department.

In addition, the owner/applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. The owner/applicant shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The amount of the contribution to the Oak Woodlands Conservation Fund shall be determined according to the procedures set forth in the Oak Woodland Impact Decision Matrix-2008 prepared by the UC Integrated Hardwood Range Management Program. (RMA-Planning)

## Condition Compliance Status Report for PLN000696

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

This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a Final Forest Management Plan that has been prepared by a qualified forest manager that identifies and mitigates for oak tree removal in accordance with Section 21.64.260 of the Monterey County Zoning Ordinance and Section 21083.4 of the Public Resources Code.

Prior to the issuance of grading or building permits, the Owner/Applicant shall contribute funds to the Oak Woodlands Conservation Fund and shall submit evidence of the contribution to the Director of RMA - Planning for review and approval.

Prior to final inspection of grading and building permits, areas of tree replacement for infrastructure tree removals shall be placed in a conservation and scenic easement granted to the County of Monterey and accepted by the Board of Supervisors. Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to RMA - Planning for review and approval.

On an annual basis for a period of seven (7) years following replanting, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval an annual report prepared by a qualified professional forester, arborist, or horticulturalist demonstrating that the replanted trees are in a healthy, growing condition.

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/27/2015 1:56:35PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

90. MM 3.3-3c BIOLOGICAL RESOURCES

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall prepare for review and approval Covenants, Conditions, and Restrictions (CC&Rs) in consultation with a qualified professional forester, that shall include oak tree protection measures as outlined in the Forest Management Plan (Staub Forestry and Environmental Consulting 2001) on individual lots as part of future home construction to minimize the damage to oak trees and ensure successful replanting. These measures shall include, but not be limited to the following:

- Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary;
  - No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above;
  - No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional;
  - Roots exposed by excavation during construction shall be pruned promptly to promote callusing, closure, and regrowth; and
  - All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel.
- Said CC&Rs shall be recorded with the final map, for each parcel created by the final map.(RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a draft subdivision map noting conditions, covenants and restrictions (CC&Rs), prepared in consultation with a qualified professional forester, that incorporate oak tree protection measures the Forest Management Plan (2001) for individual lots as outlined to minimize the damage to oak trees and ensure successful replanting.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:57:19PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

91. MM 3.3-4 BIOLOGICAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on the project site, the project applicant shall prepare in consultation with a qualified biologist a pre-construction survey for special-status bat species within the project site to comply with the California Fish and Game (CDFG) Code relative to special status bat maternity roosts. Prior to tree removal in the coast live oak woodland, a qualified biologist shall survey the trees to evaluate their potential use by special-status bat species. If special-status bat species are determined to be using these trees, or trees in the immediate vicinity, the biologist shall provide recommendations to avoid harming individual bats or disturbance of active roosts. If the biologist recommends active removal of bats, a Memorandum of Understanding (MOU) with the California Department of Fish and Wildlife (CDFW) shall be obtained. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFW that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that documents mitigation for loss of bat roosting habitat should be prepared by a qualified biologist and approved by CDFW prior to tree removal. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to tree removal or issuance of grading or building permits, the Owner/Applicant shall contract with a qualified biologist to conduct pre-construction surveys for special status bat species. The pre-construction survey shall verify the presence or absence of special status bat species, as required by CDFW, and be submitted to RMA-Planning for review and verification of compliance with MM 3.3-4.

Prior to tree removal, if special status bat species are found in the vicinity of the project a qualified biologist shall provide recommendations to avoid harming or disturbing individual or roosting bats. Obtain an MOU from CDFW, if special status bat species are found and active removal of bats is necessary, the applicant shall submit to CDFW for review and approval an implementation and relocation plan and a mitigation and monitoring plan prepared by a qualified biologist.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:57:50PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

92. MM 3.3-5 BIOLOGICAL RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No more than 30 days prior to grading or construction in oak woodland habitat, the project applicant shall contract with a qualified biologist to complete a pre-construction survey for the Monterey dusky-footed woodrat for review and approval by the Monterey County Resource Management Agency – Director of Planning. If individuals of these species are observed, a salvage and relocation program shall be prepared in coordination with CDFW to prevent death or injury to individuals of these species during grading or construction operations. The salvage program shall include measures to remove individuals from the project site prior to and during project grading and construction, and to relocate them to a suitable location within the project site. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

The Owner/Applicant shall contract with a qualified biologist to conduct pre-construction surveys for the Monterey dusky-footed woodrat no more than 30 days prior to grading or construction in oak woodland. Project applicant shall submit pre-construction survey to RMA-Planning for review and verification of compliance with MM 3.3-5 and CDFG code.

Prior to grading and construction if individuals are observed, the Owner/Applicant shall submit a salvage and a relocation program prepared by a qualified biologist, in coordination with CDFW, that includes measures to remove and relocate individuals from the project site as well as to prevent death or injury to individuals of the species during grading or construction operations.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:58:37PM

ROTHARMELL

## Condition Compliance Status Report for PLN000696

### 93. MM 3.3-6 BIOLOGICAL RESOURCES

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Surveys shall be conducted no more than 30 days prior to ground disturbance during the nesting seasons for local avian species (typically February 1st through August 31st). The Monterey County Planning Department shall require that the project applicant retain a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of the construction area. If active nests are located during preconstruction surveys, USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the non-breeding season (between August 1st and November 1st). (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** This mitigation measure shall be included as a note on each final map and in the CC&Rs.

No more than 30 days prior to ground disturbance and construction during the nesting season of local avian species (February 1st through August 31st), the Owner/Applicant shall submit a pre-construction survey for active nests of raptors and migratory birds species that has been prepared by a qualified biologist no more than 30 days prior to ground disturbance during the nesting season of local avian species (typically February 1st through August 31st) to the Director of RMA - Planning for review and verification of compliance with MM 3.3-6.

If nests are determined present, the biologist shall notify CDFW/USFWS (as appropriate) of the status of the nests and agency recommendations regarding nest avoidance measures implemented.

During the nesting season if nests are present, the Contractor shall restrict construction activities to avoid disturbance of nest until it is abandoned or until the biologist deems potential disturbance to be minimal.

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/27/2015 1:59:00PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

94. MM 3.4-1 CULTURAL AND HISTORIC RESOURCES

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

If archaeological resources or human remains are discovered during grading or construction, the following steps shall be taken immediately upon discovery:

- a) There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains until:
- b) The coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required, and
- c) 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, Salinian, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
  - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or
  - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
    - The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation with 24 hours after being notified by the commission.
    - The descendent identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measure acceptable to the landowner.

(RMA-Planning)

Compliance or Monitoring Action to be Performed:

This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Upon discovery of archaeological resources or human remains, the Contractor shall stop work immediately and contact RMA-Planning and a qualified archaeologist, if human remains are discovered the county coroner shall also be contacted. The planner and archaeologist shall conduct a site visit to determine the extent of the resources and develop proper mitigation measures required for the discovery.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 1:59:39PM

ROTHARMELL

## Condition Compliance Status Report for PLN000696

### 95. MM 3.5-1 GEOLOGY AND SOILS

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permit(s), the Monterey County Building Services Department shall require that the project applicant consult with a qualified engineer to prepare design level geotechnical reports in accordance with the current edition of the California Building Code and the recommendations contained within the Geologic and Geotechnical Feasibility Study prepared by D&M Consulting Engineers in August 2001. Said reports shall be submitted for plan check with any improvement plans including earthwork, water tank construction/installation, or foundation construction. The Geological and Geotechnical Feasibility Study provides specific recommendations regarding site preparation and construction of foundations, retaining walls, utilities, sidewalks, roadways, subsurface drainage, and landscaping features based on the lot characteristics and proximity to the fault at the project site. In addition, Geological and Geotechnical Feasibility Study provides specific recommendations regarding slope stability and energy dissipation measures, the recommended location of homesites on Lots #8, #9, #11, and Lots #13 through #16, and reconstruction of the steep slope near Lots #8 and #9. All slope stability and energy dissipation measures shall be incorporated into the site grading plans and constructed concurrent with grading activities.

During the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the Geological and Geotechnical Feasibility Study. Prior to final inspection, the project applicant shall provide certification from a qualified professional that all development has been constructed in accordance with all applicable geologic and geotechnical reports. (RMA-Building Services)

## Condition Compliance Status Report for PLN000696

Compliance or  
Monitoring  
Action to be Performed:

This mitigation measure shall be included as a note on the final maps that contain Lots #8, 9, 11, 13, 14, 15, and 16 and in the CC&Rs.

Prior to issuance of construction permits for earthwork, water tank construction/installation, or foundation construction, the Owner/Applicant shall submit to RMA-Building Services a design level geotechnical report that has been prepared by a qualified engineer and meets the requirements of MM 3.5-1, the California Building Code, and the Geological and Geotechnical Feasibility Study (2001).

Prior to the issuance of construction permits for Lots #8, 9, 11, 13, 14, 15, and 16, the Owner/Applicant shall submit to RMA-Building Services a design level geotechnical report that has been prepared by a qualified engineer and meets the requirements of MM 3.5-1, the California Building Code, and the specific recommendations for these lots regarding slope stability and energy dissipation measures outlined in the Geological and Geotechnical Feasibility Study (2001).

Prior to final inspection, the Owner/Applicant/Contractor shall submit to RMA-Building Services certification from a qualified engineer verifying all development on the project site has been constructed in accordance with applicable geologic and geotechnical reports.

On an on-going basis during grading and construction activities, the Owner/Applicant/Contractor shall contract with a qualified engineering geologist to be onsite during all grading activities in order to provide onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the Geological and Geotechnical Feasibility Study (2001).

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:49:14PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

96. MM 3.5-2a GEOLOGY AND SOILS

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Monterey County Planning Department shall require that the project applicant design the building envelopes to minimize slope failure on Lot #17 by restricting development of structures on the north facing slope of Lot #17, due to the steep terrain. The homesite and driveway for Lot #17 shall be placed on the south side of the ridge similar to the driveway and building envelope design shown in Figure 3.5-4, Potential Driveway and Building Envelope for Lot #17, of the DEIR and subject to review and approval by the recommending engineering geologist and the County of Monterey. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the final map that contains Lot #17 and in the CC&Rs.

Prior to issuance of building permit for Lot #17, the Owner/Applicant shall submit a draft site plan for Lot #17 that shows the building envelope and driveway located on the south side of the ridge in order to minimize slope failure. The building envelope shall be developed in consultation with and recommended by a qualified engineering geologist and submitted to the Director of RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:00:11PM

ROTHARMELL

97. MM 3.5-2b GEOLOGY AND SOILS

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final subdivision map approval, the Monterey County Planning Department shall require that the project applicant update the Subdivision Map to reflect the revised and approved driveway and building envelope design for Lot #17. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the final map that contains Lot #17, the Owner/Applicant shall submit to RMA-Planning for review and approval a draft subdivision map that identifies the revised and approved driveway and building envelope location on Lot #17.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:00:48PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

98. MM 3.5-3 GEOLOGY AND SOILS

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of grading and building permits, the project applicant shall contract with a registered engineer to design subsurface drainage system for review and approval by Monterey County Resource Management Agency – Director of Planning and the Director of Public Works where perched groundwater exists on the project site, including but not limited to Lots #2, #8, #9, #10, #11 and Lots #13 through #16. Subsurface drainage system shall be designed and installed in accordance with the recommendation provided in the Geological and Geotechnical Feasibility Study prepared by D&M Consulting Engineers in August 2001. These improvements shall be included in the final improvement plans for the proposed project and installed concurrent with site preparation and grading activities associated with future residential development. Prior to final inspection of grading permits for subdivision improvements, the project applicant shall submit certification prepared by a registered engineer verifying that the improvements were installed according to the findings and recommendations in the Geological and Geotechnical Feasibility Study. (RMA-Planning and RMA-Building Services)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the final map that contains Lots #2, 8, 9, 10, 11, 13, 14, 15, and 16 and in the CC&Rs.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit to RMA-Planning for review and approval improvement plans prepared by a registered engineer that identify a subsurface drainage system designed in accordance with recommendations provided in the Geological and Geotechnical Feasibility Study prepared by D&M Consulting in August 2001.

Prior to final inspection of grading permit for subdivision improvements, the Owner/Applicant/Contractor shall submit to RMA-Building Services certification from a registered engineer verifying improvements were installed according to the Geological and Geotechnical Feasibility Study (2001).

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:01:42PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

99. MM 3.5-6 GEOLOGY AND SOILS

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of grading permit, Monterey County Public Works Department, Planning Department, and Water Resources Agency shall require that the project applicant contract with a registered engineer to prepare an erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediment are minimized during site preparation, construction, and post construction periods. The erosion control plan and SWPPP shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Prevention System and Monterey County Ordinance 16.12.80, Land Clearing. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. The SWPPP shall be consistent with the Central Coast Water Quality Control Board standards. (RMA-Public Works, RMA-Planning and Monterey County WRA)

**Compliance or Monitoring Action to be Performed:** This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of a grading permit, the Owner/Applicant shall submit an erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP) that has been prepared by a registered engineer and is consistent with MM 3.5-6, the National Pollution Discharge Prevention System, Monterey County Ordinance 16.12.80, Land Clearing and the standards of the Central Coast Water Quality Control Board. The erosion control plan and SWPPP shall be subject to review and approval by the RMA-Public Works, RMA- Planning, and the Monterey County Water Resource Agency.

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/27/2015 2:02:08PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

100. MM 3.6-2b GROUNDWATER RESOURCES & HYDROLOGY

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation  
Monitoring Measure:

Prior to recording the first Final Subdivision Map with Treatment Facility Option B, Monterey County Health Department, Environmental Health Bureau shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. Water system improvement plans shall identify the water treatment facilities and how the water treatment facilities will remove all constituents that exceed current California Primary and Secondary MCLs (e.g. arsenic, coliform, TDS, iron, etc.) from drinking water. These plans shall be subject to review by the Monterey County Health Department, Environmental Health Bureau, and California-American Water Company.

The treatment facility shall be located on the project site in a disturbed area void of environmentally sensitive resources, inside an enclosure. The enclosure shall be designed to complement the surrounding visual character (i.e. rural residential) and shall be subject to the Design Control Zoning District regulations provided in Chapter 21.44 of the County Code. The treatment facility shall be designed and sized to treat water pumped from both the Oaks Well and New Well and accommodate the proposed project and Oaks subdivision only. The project applicant shall be required to pay their fair share towards treatment facility improvements. Facility maintenance and removal of accumulated constituents shall be the responsibility of the facility owner and accomplished in accordance with local, state and federal regulations based on the treatment method chosen. (Monterey County Health Department, Environmental Health Bureau)

**Condition Compliance Status Report for PLN000696**

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

This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to recording the first final map, the Owner/Applicant shall contract with a qualified engineer to design and install (construct) water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards as noted in the mitigation measure.

In accordance with Condition 25 (EH5), prior to recording the first final map, owner must either construct the water system improvements or enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.

Improvements shall include disconnecting the Oaks well (Well B) from Cal-Am's Ambler Park Water Treatment Facility. Water system improvements are subject to review and approval by the water purveyor, the local fire agency and the Environmental Health Bureau as stated in conditions EH3 and EH4.

Prior to recording the first final map, the Owner/Applicant shall submit the location for the treatment facility to the Director of Planning, in accordance with the mitigation measure, for review and approval.

Prior to the issuance of building permits for the treatment facility, the Owner/Applicant shall apply for and receive approval of a design approval from RMA-Planning for the design of the enclosure, in accordance with the mitigation measure.

On an ongoing basis, the treatment facility maintenance and removal of accumulated constituents shall be the responsibility of the facility owner and accomplished in accordance with local, state and federal regulations based on the treatment method chosen.

**Comments By Staff**

**Last Update on:**

**Updated By:**

4/27/2015 2:49:44PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

101. MM 3.6-2c GROUNDWATER RESOURCES & HYDROLOGY

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Within one month of the County's issuance of the water system permit, the Owner/Applicant shall transfer the operation and monitoring of the water system to the water purveyor (currently California-American Water Company). The water system operator shall monitor the water quality of the Oaks Well and New Well in accordance with Chapters 15.04 and 15.08 of the Monterey County Municipal Code and Section 64480 of Title 22, California Code of Regulations. (Monterey County Health Department, Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Within one month of the County's issuance of the water system permit, the Owner/Applicant shall transfer the operation and monitoring of the water system to the water purveyor and provide proof of the transfer to the Director Environmental Health.

On a continuous basis for the life of the project, the water purveyor shall quality of the wells in accordance with MM 3.6-2c.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:50:47PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

102. MM 3.7-2 HYDROLOGY & WATER QUALITY

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: Prior to recording the Final Subdivision Map, Monterey County Planning Department and Monterey County Water Resources Agency shall require that the project applicant contract with a registered civil engineer to prepare a final drainage plan. The drainage control plan shall include detention ponds to limit storm water runoff generated by the development of impervious surfaces. The detention ponds shall be designed to detain the difference between the 100-year post-development runoff rate and the 10-year pre-development runoff rate in accordance with Section 16.16.040.B.5 of the Monterey County Code and Monterey County Water Resource Agency (MCWRA). All of the detention basins shall be fenced for public safety.

In addition, the drainage plan shall incorporate mitigation measures as recommended in the Geological and Geotechnical Feasibility Study prepared by D&M Consulting Engineers including, but not limited to: installing lined ditches above and below any engineered slopes, and above existing erosion gullies; use of vegetative matting and hydroseeding on slopes; installation of erosion-control landscaping; reduction of ponding water; grading of land that prevents surface water flow over the tops of slopes; construction of berms at the top of slopes; installation of concrete v-ditches; and control of irrigation on slopes. The final drainage plan shall be submitted for review and approval by the Public Works Department and Monterey County Water Resources Agency prior to the recording the Final Subdivision Map. (RMA-Public Works Department and Monterey County WRA)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall submit to the RMA-Public Works Department and the Monterey County Water Resource Agency, for review and approval, a final drainage plan prepared by a qualified civil engineer that adheres to the requirements outlined by MM 3.7-2.

Comments By Staff

Last Update on:

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4/27/2015 2:02:37PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

103. MM 3.7-3 HYDROLOGY & WATER QUALITY

Current Status: Not Met

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: In order to prevent the potential contamination of downstream waters from urban pollutants, Monterey County Planning Department, Public Works Department and Water Resources Agency shall require that the storm drainage system design, required under mitigation measure MM 3.7-2, includes a Storm Water Pollution Prevention Plan (SWPPP) and Low Impact Development (LID) design techniques. Such techniques include but are not limited to the following components: grease/oil separators (where required by Public Works); sediment separation; vegetative filtering to open drainage conveyances and retention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other LID design and pollution control techniques. Said provisions shall be incorporated into the storm drain system plans submitted to the county prior to issuance of building or grading permits, whichever occurs first. A report shall be submitted prior to final inspection verifying that installation of the system occurred pursuant to said drainage system plan. In the event that the drainage system was not installed according to recommendations of plan, measures shall be recommended by a qualified drainage engineer or equal professional recommendations to ensure that the final installed system meets the recommendations of the approved drainage plan. All plans shall meet current Public Works and Building Department standards. (RMA-Planning, RMA-Public Works, and Monterey County WRA)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building or grading permit, whichever comes first, the Owner/Applicant shall submit to the RMA-Planning, RMA-Public Works, and the Monterey County Water Resource Agency storm drainage plans prepared by a qualified civil engineer that meets the requirements outlined by MM 3.7-3.

Prior to final inspection of drainage system, the Owner/Applicant/Contractor shall submit to the RMA-Planning Department, RMA-Public Works Department, and the Monterey County Water Resource Agency a report prepared by a qualified drainage engineer verifying installation of the drainage system in accordance with MM 3.7-3.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:03:01PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

104. MM 3.9-4 PUBLIC SERVICES & UTILITIES

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Prior to filing of the Final Subdivision Map, Monterey County Bureau of Environmental Health shall require that the project applicant prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to approval by California Utility Service, Monterey Bay Unified Air Pollution Control District, and the County of Monterey. Upon review of the design, the project applicant shall be required to enter into a wastewater main extension agreement with California Utility Service.

In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the CUS facility exceeds its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board. (Monterey County Health Department, Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to recording the each final map, the Owner/Applicant shall submit to the Monterey County Health Department, Environmental Health Bureau, the California Utility Service, and the Monterey Bay Unified Air Pollution Control District wastewater collection improvement plans prepared by a registered engineer that meet the requirements of the California Utility Service, the Monterey Bay Unified Air Pollution Control District, and the County of Monterey.

Prior to recording the first final map, the Owner/Applicant and California Utility Service shall enter into a wastewater main extension agreement.

Prior to the issuance of building permits, the Owner/Applicant shall submit to the Monterey County Health Department, Environmental Health Bureau, for review and approval, proof the existing wastewater treatment plant is meeting current effluent limitations and will not exceed its existing capacity.

Comments By Staff

Last Update on:

Updated By:

5/20/2015 10:46:00AM

LAWRENCEL

Condition Compliance Status Report for PLN000696

105. MM 3.10-1 TRANSPORTATION AND CIRCULATION

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits within the subdivision, the project applicant(s) shall contribute their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time, as required under mitigation measure MM 3.10-6. (RMA Planning, RMA Public Works, and Transportation Agency of Monterey County).

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permits, the Project applicant shall submit to the RMA Planning, RMA Public Works, and the Transportation Agency of Monterey County proof of compliance with MM 3.10-1.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:03:56PM

ROTHARMELL

106. MM 3.10-3 TRANSPORTATION AND CIRCULATION

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of final improvement plans, the project applicant shall contract with a registered engineer to design roadway improvements to widen and resurface Meyer Road per the County of Monterey standards for a cul de sac private road (e.g. 18-foot wide roadbed). The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to approval of Final Improvement Plans, the Project Applicant / Registered Engineer shall submit to the RMA Public Works Department a roadway improvement plan prepared by a registered engineer that meets the requirements outlined by MM 3.10-3.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:04:33PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

107. MM 3.10-4a TRANSPORTATION AND CIRCULATION

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of final improvement plans, the Monterey County Public Works Department shall require that the project applicant contract with a registered engineer to prepare a sight distance improvement plan at the Meyer Road/San Benancio Road intersection. The improvement plan shall include but not be limited to the following: trimming the vegetation and grading the embankment in the vicinity of the intersection and installing right turn tapers into and out of Meyer Road. The design of all intersection improvements shall be subject to review and approval by the County of Monterey Public Works Department. All improvements shall be completed prior to occupancy of any residential units. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the first final map and in the CC&Rs.

1. Prior to approval of final improvement plans for the first phase, the Project Applicant/ Registered Engineer shall contract with a registered engineer to design roadway intersection improvements and sight distance improvement plans for the Meyer Road/ San Benancio Road Intersection in accordance with the requirements outlined by MM 3.10-4a. Plans shall be submitted to the RMA Public Works Department for review, approval, and verification of compliance of MM 3.10-4a.
2. Prior to issuance of occupancy permit, Contractor shall complete roadway improvements prior to occupancy of any residential units.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:05:07PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

108. MM 3.10-4b TRANSPORTATION AND CIRCULATION

Current Status: Not Met
Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of the first Final Map, the Monterey County Public Works Department shall require that the project applicant shall design and construct a southbound San Benancio Road left turn lane at the Meyer Road/San Benancio Road intersection in accordance with the Monterey County Public Works Department standards and guidelines. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the first final map and in the CC&Rs.

Prior to approval of the first Final Map, the Project Applicant/Registered Engineer shall contract with a registered engineer to design and plan roadway improvement design and construction plans for the southbound San Benancio Road left turn lane at the Meyer Road/San Benancio intersection. Plans shall be submitted to the RMA Public Works Department for review, approval and verification of compliance with MM 3.10-4b. Prior to approval of the first Final Map, Project Applicant shall construct the improvements or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to issuance of a grading permit for road improvements.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:05:42PM

ROTHARMELL

109. MM 3.10-6 TRANSPORTATION AND CIRCULATION

Current Status: Not Met
Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Monterey County Resource Management Agency shall require the project applicant to pay the project's fair share of traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees may include, but are not necessarily limited to, the TAMC Regional Development Impact Fee (RDIF) and Monterey County ad hoc mitigation fees. Payment of the TAMC RDIF may be done as part of compliance with mitigation measure MM 3.10-1. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permit, the Project applicant shall submit to the RMA Planning Department proof of payment of any traffic impact fees.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:06:10PM

ROTHARMELL

Condition Compliance Status Report for PLN000696

110. MM 3.11-3 NOISE

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: During the course of construction, Monterey County Planning Department shall require that the project applicant adhere to Monterey County's requirements for construction activities with respect to hours of operation, muffling of internal combustion engines, and other factors which affect construction noise generation and its effects on noise-sensitive land uses. This would include implementing the following measures:

- Limit noise-generating construction operations to between the least noise-sensitive periods of the day (e.g., 7:00 A.M. to 7:00 P.M.) Monday through Saturday; no construction operations on Sundays or holidays;
- Locate construction equipment and equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses;
- Ensure that construction equipment is properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds should be closed during equipment operation;
- When not in use, motorized construction equipment should not be left idling; and
- Install temporary noise barriers when activities would affect daytime noise-sensitive receptors (e.g., residential uses, schools, and churches).

(RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of building or grading permits, the Owner/Applicant shall submit improvement plans that note requirements of MM 3.11-3. Contractor shall implement the noise generation reduction measures outlined by MM 3.11-3.

On an on-going basis during construction, the Owner/Applicant/Contractor shall submit to RMA-Planning, for review and approval, monthly reports during construction demonstrating compliance with the noise generation reduction measures outlined by MM 3.11-3.

Comments By Staff

Last Update on:

Updated By:

4/27/2015 2:50:20PM

ROTHARMELL

...the ... of ...

**Monterey County Resource Management Agency  
Planning Department**

**Condition Compliance Status Report for PLN140395**

(as of 11/18/2016)

**1. PD001 - SPECIFIC USES ONLY**

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This temporary use permit (PLN140395) allows the use of an existing oil well, Bradley Minerals 2-2, for the exploration for oil for a period of one year with limits placed on the amount of oil that can be produced. The property is located at 72327 Jolon Rd, Bradley (Assessor's Parcel Number 424-081-082-000), South County Area Plan. The owner of this parcel is Porter Estate Company Bradley Ranch, Inc. The mineral rights for the subsurface portion of this property are owned by Bradley Mineral Rights, Inc. Trio Petroleum, LLC (applicant) holds a lease with Bradley Minerals Inc for the use of the subsurface portion of the property. The owner of the mineral rights for this property (Bradley Minerals, Inc) and applicant (Trio Petroleum, LLC) and their successors and assigns are the "Owner/Applicant" for purposes of these conditions and are jointly and severally responsible for compliance with the conditions. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions contained in this 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 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 ongoing basis unless otherwise stated.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/26/2015 9:58:49AM

BOGDANG

Condition Compliance Status Report for PLN140395

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A temporary use permit (Resolution Number 15-209) was approved by the Board of Supervisors for Assessor's Parcel Number 424-081-082-000 on July 7, 2015. The permit was granted subject to 27 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 commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

10/6/2015: Permit Approval Notice was recorded as Document No. 2015057050 to satisfy this condition and was picked up by Grace Bogdan at the front counter (by Stacy Giles for Grace Bogdan)

10/6/2015 9:58:57AM

GILESS

9/28/2015: Available for pick up at front counter under agent name, Steve Rowlee. (Monique Kakimoto)

7/29/15: Mailed to Agent, Steve Rowlee. (Monique Kakimoto)

7/24/15: Document included in packet back to County Counsel Michael Whilden. (Linda Rotharmel)

7/23/15: Received packet back for correction on Indemnification Agreement. (Linda Rotharmel)

7/21/15: Document prepared and sent to Michael Whilden in County Counsel for review. (Linda Rotharmel)

### Condition Compliance Status Report for PLN140395

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

**Current Status:** Not Met

**Responsible Department:** Planning Department

**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 and as applicable, 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.

**Comments By Staff**

**Last Update on:**

**Updated By:**

7/7/2015 4:08:12PM

ROTHARMELL

**Condition Compliance Status Report for PLN140395**

**4. PD004 - INDEMNIFICATION AGREEMENT**

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/ Mitigation Monitoring Measure:** The Owner/Applicant agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The Owner/Applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/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, or recordation of the certificates of compliance, whichever occurs first and as applicable. The County shall promptly notify the Owner/Applicant of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the Owner/Applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the Owner/Applicant shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the commencement of use, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

<b>Comments By Staff</b>	<b>Last Update on:</b>	<b>Updated By:</b>
<i>10/6/2015: Indemnification Agreement was recorded as Document No. 2015057047 to satisfy this condition and was picked up by Grace Bogdan at the front counter (by Stacy Giles for Grace Bogdan)</i>	<i>10/6/2015 10:02:30AM</i>	<i>GILESS</i>
<i>9/28/2015: Available for pick up at front counter under agent name, Steve Rowlee. (Monique Kakimoto)</i>		
<i>9/24/15: Document signed by Laura Lawrence, RMA Services Manager, notarized by Linda Rotharmel and delivered to Monique Kakimoto. (Linda Rotharmel)</i>		
<i>9/21/15: Forwarded to County Counsel for approval (Monique Kakimoto)</i>		
<i>7/29/15: Mailed to Agent, Steve Rowlee. (Monique Kakimoto)</i>		
<i>7/24/15: Document included in packet back to County Counsel Michael Whilden. (Linda Rotharmel)</i>		
<i>7/23/15: Received packet back for correction on Indemnification Agreement. (Linda Rotharmel)</i>		
<i>7/21/15: Document prepared and sent to Michael Whilden in County Counsel for review. (Linda Rotharmel)</i>		

## Condition Compliance Status Report for PLN140395

### 5. PD016 - NOTICE OF REPORT

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to the commencement of use, a notice shall be recorded with the Monterey County Recorder which states:  
"A Biological Assessment (Library No. LIB140218), was prepared by Robert A. Booher Consulting in May, 2014 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."  
(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use, the Owner/Applicant shall submit proof of recordation of this notice to RMA - Planning.

#### Comments By Staff

**Last Update on:**

**Updated By:**

10/6/2015: Notice of Report was recorded as Document No. 2015057049 to satisfy this condition and was picked up by Grace Bogdan at the front counter (by Stacy Giles for Grace Bogdan)

10/6/2015 9:59:41AM

GILESS

7/29/15: Mailed to Agent, Steve Rowlee. (Monique Kakimoto)

7/24/15: Document included in packet back to County Counsel Michael Whilden. (Linda Rotharmel)

7/23/15: Received packet back for correction on Indemnification Agreement. (Linda Rotharmel)

7/21/15: Document prepared and sent to Michael Whilden in County Counsel for review. (Linda Rotharmel)

**Condition Compliance Status Report for PLN140395**

**6. PD005 - FISH & GAME FEE NEG DEC/EIR**

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Pursuant to the State Fish and Game Code Section 711.4, 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)

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

*Within 5 working days of project approval:  
 The Notice of Determination for the Board of Supervisors approval and the filing fee in the amount of (\$50) was filed on (July 7, 2015); Document #: (2015-0073). A copy is on file. This condition is met. (Grace Bogdan, Project Planner)*

7/7/2015 3:28:53PM

BOGDANG

*Within 5 working days of project approval:  
 The Notice of Determination for the Planning Commission approval and the filing fee in the amount of (\$2260) was filed on (April 30, 2015); Document #: (2015-0051). A copy is on file. This condition is met. (Grace Bogdan, Project Planner)*

**Condition Compliance Status Report for PLN140395**

**7. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the Owner/Applicant submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to the commencement of use, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

**Comments By Staff**

**Last Update on:**

**Updated By:**

10/6/2015: Mitigation Monitoring Agreement was recorded as Document No. 2015057048 to satisfy this condition and was picked up by Grace Bogdan at the front counter (by Stacy Giles for Grace Bogdan)

10/6/2015 10:03:18AM

GILESS

9/28/2015: Available for pick up at front counter under agent name, Steve Rowlee. (Monique Kakimoto)

9/24/15: Document signed by Laura Lawrence, RMA Services Manager, notarized by Linda Rotharmel, and delivered to Monique Kakimoto. (Linda Rotharmel)

9/21/15: Forwarded to County Counsel for approval (Monique Kakimoto)

7/29/15: Mailed to Agent, Steve Rowlee. (Monique Kakimoto)

7/24/15: Document included in packet back to County Counsel Michael Whilden. (Linda Rotharmel)

7/23/15: Received packet back for correction on Indemnification Agreement. (Linda Rotharmel)

7/21/15: Document prepared and sent to Michael Whilden in County Counsel for review. (Linda Rotharmel)

## Condition Compliance Status Report for PLN140395

### 8. MM1 - WORKER ENVIRONMENTAL AWARENESS TRAINING

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

A County-approved biological monitor shall prepare a worker environmental awareness program (WEAP) training to be given to all personnel (site supervisors, equipment operators and laborers) which emphasizes the potential for special status species and nesting birds to occur within and immediately adjacent to the project site. Because the operations phase may occur over an extended period, an initial training shall be conducted by a qualified biologist for site supervisors and project managers prior to initiation of site activities. WEAP materials shall be provided in written form to be used for subsequent trainings. The WEAP shall cover identification of these species, their habitat requirements, and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize potential impacts. The WEAP shall also address the presence of native trees adjacent to the project site, drainage features adjacent to the project site, and appropriate measures to avoid impacts to these adjacent resources. A fact sheet or other supporting material containing this information shall be prepared and distributed to all of the workers on-site. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures.

During training, contractors and personnel shall be instructed to allow any wildlife observed within the project area to move out of harm's way of their own accord, unimpeded.

The WEAP must contain the following specific information regarding SJKF: photographs describing and illustrating potentially occurring SJKF, description of SJKF habitat needs, a discussion of measures to be implemented for avoidance if one is observed, the identification of an on-site contact in the event the species is seen on the site, an explanation of the status of the species and its protection under the federal and state Endangered Species Acts, and a report of the historic occurrence of kit fox in the project area. The WEAP must specify the reporting process to the designated on-site contact if SJKF are seen on site. This contact is responsible for notifying the County-RMA Planning Department of any sightings, and notifying regulatory agencies if warranted as specified in measure BIO-3.

The WEAP must contain the following specific information regarding California condor: photographs describing and illustrating California condor and differentiating this species from the common turkey vulture, a definition of microtrash, and description of specific microtrash measures to be implemented to avoid potential for impacts, measures for avoidance if a condor is observed, and the identification of an on-site contact in the event the species is seen on the site.

The WEAP must contain the following specific information regarding California tiger salamander: photographs describing and illustrating California tiger salamander, measures to be implemented to avoid potential for impacts, and the identification of an on-site contact in the event the species is seen on the site.

## Condition Compliance Status Report for PLN140395

**Compliance or Monitoring Action to be Performed:** Training shall be conducted for new personnel before they initiate equipment mobilization onto the site. The contractor shall be responsible for ensuring that all personnel working on-site comply with the guidelines. Prior to the start of equipment mobilization, a copy of all written materials shall be provided to employees as part of the WEAP training. Because the operations phase may occur over an extended period, an initial training shall be conducted by a qualified biologist for site supervisors and project managers prior to initiation of equipment mobilization activities. WEAP materials shall be provided in written form to be used for subsequent trainings. Prior to new personnel beginning work, the previously trained site supervisor or project manager shall provide WEAP training materials for new employees and document that personnel who will work on site have received WEAP training. A sign-in log identifying all trained employees shall be submitted to the County within one week of each training session.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*Worker Environmental Awareness Training was given onsite on October 28, 2015. Materials of the training are in project file PLN140395*

11/9/2015 8:43:00AM

BOGDANG

<b>9. MM2 - PRE-DISTURBANCE SURVEYS FOR SPECIAL STATUS SPECIES</b>
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**Current Status:** **Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to equipment mobilization, within 14 days prior to start of activities, a qualified biologist shall conduct two pre-activity surveys to determine if special status species have moved into the project site or within the 500-foot buffer (where visible and legally accessible). Species-specific measures are provided below in the event that special status species or their sign are found during preconstruction surveys.

**Compliance or Monitoring Action to be Performed:** The initial preconstruction survey shall be conducted within 14 days prior to equipment mobilization. An additional survey shall be conducted immediately prior to the start of equipment mobilization (within 24 hours) to verify absence of SJKF and burrowing owl. A report documenting results of the preconstruction surveys shall be submitted to County RMA-Planning within one week of completing the second and final survey.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*One predisturbance survey was conducted within 24 hours of equipment mobilization. No special status species were found within or adjacent to the project site. Survey report is available in file PLN140395*

11/9/2015 8:46:27AM

BOGDANG

## Condition Compliance Status Report for PLN140395

### 10. MM3 - SJKF AVOIDANCE AND MINIMIZATION MEASURES

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The following avoidance and minimization measures shall be incorporated pursuant to USFWS guidance for small

projects:

1. If dens are located within 200 feet of proposed project activity areas, during preactivity surveys, exclusion zones shall be established prior to construction by a qualified biologist. Exclusion zones shall be roughly circular with a radius of the following distances measured outward from the entrance:

a) Potential den: 50 feet

b) Atypical den: 50 feet

c) Known den: 100 feet

d) Natal/pupping den: USFWS must be contacted (occupied and unoccupied)

2. Protective exclusion zones shall be placed around all known and potential dens which occur outside the project footprint, or alternatively, the project site boundary shall be demarcated such that dens are protected.

3. If the project site is not clearly marked or fenced, exclusion zones around known dens shall be demarcated by fencing that encircles each den on the project site at the appropriate distance and does not prevent access to the den by kit foxes. Acceptable fencing includes untreated wood particle-board, silt fencing, or orange construction fencing, as long as it has openings for kit fox ingress/egress and keeps humans and equipment out.

4. For potential and/or typical dens, placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing shall not be required, but the exclusion zone must be observed.

5. If exclusion zones extend into project areas, only essential vehicle operation on the existing driveway and foot traffic shall be permitted. Otherwise, all construction, vehicle operation, material storage, or any type of surface-disturbing activity shall be prohibited or greatly restricted within the exclusion zones.

6. If a natal/pupping den is located within 200 feet of the project site, work within 200 feet of the den shall cease, the USFWS shall be notified immediately and under no circumstances shall the den be disturbed or destroyed without prior authorization.

7. Project-related vehicles shall observe a daytime speed limit of 15 miles per hour (mph) throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active.

8. Night-time activities shall be minimized to the extent possible, because SJKF are nocturnal. During night work the speed limit shall be reduced to 10 mph. Off-road traffic outside of designated project areas shall be prohibited.

## Condition Compliance Status Report for PLN140395

9. To prevent inadvertent entrapment of kit foxes or other animals, any excavated, steepwalled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed.

Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, work shall cease immediately and the USFWS and CDFW shall be contacted.

10. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored on-site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted.

11. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the project site.

12. No firearms shall be allowed on the project site.

13. No pets, such as dogs or cats, shall be permitted on the project site to prevent harassment, mortality

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

SJKF Avoidance and Minimization Measures shall be included in the WEAP training (see BIO-1); documentation of WEAP training is monitored under measure BIO-1. Prior to equipment mobilization, signage shall be posted specifying speed limits, and work limits shall be clearly marked in the field. If SJKF are observed on or within 200 feet of the project site, the project applicant or representative shall contact the County RMA-Planning Department reporting the observation and documenting compliance with SJKF measures, as applicable. An annual report shall be submitted for production testing and production phases documenting compliance with SJKF measures. This report can be submitted with documentation of compliance with other conditions. If SJKF are sighted in the project area, the project applicant or representative shall immediately notify CDFW, USFWS, and the County RMA-Planning Department.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*WEAP training and preconstruction surveys were complete. No signs of SJKF were found, however it was noted that the species could occur.*

11/9/2015 8:48:10AM

BOGDANG

## Condition Compliance Status Report for PLN140395

### 11. MM4 - PREPARE A BURROWING OWL MITIGATION PLAN

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:**

If preconstruction surveys determine that burrowing owls are present within the project site and/or buffer area, a burrowing owl mitigation plan shall be prepared consistent with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. This plan shall describe site-specific avoidance and minimization measures and incorporate the following:

Occupied burrows shall be avoided during burrowing owl nesting season unless a qualified biologist approved by CDFW verifies that birds have not begun egg laying or juveniles are foraging independently and are capable of independent survival.

Outside breeding season, between September 1 and January 31, or during breeding season with express written approval from CDFW, burrowing owls within 500 feet of project disturbance area shall be moved away from disturbance areas using passive relocation techniques. Prior to relocation, a relocation plan must be prepared and approved by CDFW. A minimum of one week or more is required to relocate owls. The relocation plan must follow the CDFW 2012 Staff Report on Burrowing Owl Mitigation guidelines and include the following:

- o Install one-way doors in burrow entrances. Leave doors in place for 48 hours to ensure owls have left the burrow.

- o Allow one or more weeks for owls to acclimate to off-site burrows. Daily monitoring is required during passive relocation.

- o Once owls have relocated off-site, collapse existing burrows in project areas. Prior to burrow excavation, flexible plastic pipe shall be inserted into the tunnels to allow escape of any remaining owls during excavation. Excavation shall be conducted by hand whenever possible.

- o Burrows outside the project site but within the buffer shall be fitted with temporary exclusion devices.

- o Destruction of burrows shall occur only pursuant to a management plan approved by CDFW.

- o As an alternative (if approved by CDFW), all occupied burrows identified off-site within 500 feet of project activities outside of nesting season (September through January) and during nesting season (February 1 through August 31) could be buffered by hay bales, fencing (e.g. sheltering in place) or as directed by a qualified biologist and the CDFW.

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

If required, the Burrowing Owl Mitigation Plan shall be submitted to the County RMA-Planning Department and CDFW prior to work that affects burrowing owls. The plan shall be approved by the County prior to implementation. Documentation shall be submitted to CDFW following approval.

If preconstruction surveys determine that burrowing owls are not present on site, the condition has been satisfied and no further action is required.

**Comments By Staff**

**Last Update on:**

**Updated By:**

Preconstruction survey conducted on October 28, 2015 found no presence of burrowing owl.

11/9/2015 8:55:01AM

BOGDANG

## Condition Compliance Status Report for PLN140395

### 12. MM5 - REMOVE MICROTRASH

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** During periods when personnel are present on site, such as during equipment mobilization, pump and tank installation, project personnel shall regularly check project areas, pick up and contain microtrash, and remove from the site at least once weekly.

**Compliance or Monitoring Action to be Performed:** Microtrash cleanup and containment shall occur daily and removed from the site weekly. The applicant shall submit an annual report to the County RMA-Planning Department documenting compliance with microtrash cleanup requirements. This report can be submitted with documentation of compliance with other conditions.

**Comments By Staff**

**Last Update on:**

**Updated By:**

WEAP training conducted on October 28, 2015 included the need to remove microtrash.

2/16/2016 10:28:21AM

BOGDANG

### 13. MM6 - WORK LIMITATIONS

**Current Status:** Partially Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** No non-automated work or vehicular site access shall occur at night during rain storms. During WEAP training (BIO-1) contractors and personnel shall be instructed regarding these limitations on site for work and access.

**Compliance or Monitoring Action to be Performed:** Documentation of WEAP training shall occur as part of measure BIO-1. During periods of project activity, the applicant shall submit an annual report to the County RMA-Planning Department documenting compliance with work limitations. This report can be submitted with documentation of compliance with other conditions.

**Comments By Staff**

**Last Update on:**

**Updated By:**

Included in WEAP training conducted on October 28, 2015.

11/9/2015 8:56:35AM

BOGDANG

## Condition Compliance Status Report for PLN140395

### 14. MM7 - RELOCATE SSC REPTILES OUT OF WORK AREA

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If encountered during preconstruction surveys, San Joaquin whipsnake and coast horned lizard shall be relocated out of direct project impact areas by the qualified biologist. During WEAP training (BIO-1) contractors and personnel shall be instructed to allow any reptiles observed within the project area to move out of harm's way of their own accord, unimpeded.

**Compliance or Monitoring Action to be Performed:** If relocations occur, the biologist shall submit results with the preconstruction survey report to the County RMA-Planning Department.

**Comments By Staff**

**Last Update on:**

**Updated By:**

Preconstruction survey conducted on October 28, 2015 found no special status species. WEAP training included the need to allow reptiles to move out of harm's way on their own accord.

11/9/2015 8:58:50AM

BOGDANG

### 15. MM8 - BADGER AVOIDANCE MEASURES

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If potential badger dens are identified in close proximity to project activity areas, exclusion zones shall be established to prevent intrusion of workers on foot, vehicles, and equipment in close proximity to dens. During natal season (March 1 through June 30) dens within 100 feet of work areas shall be marked and avoided unless they are located outside existing fencing. Outside breeding season, dens within 50 feet must be flagged and avoided.

**Compliance or Monitoring Action to be Performed:** If required based on results of pre-activity surveys, exclusion zone barriers shall be maintained until all construction activities or operational disturbances have been terminated. At that time all fencing shall be removed to avoid attracting subsequent attention to the dens. If fencing is required for protection of dens, a report shall be submitted to the County RMA-Planning Department by the project biologist documenting that exclusion zone buffers are in place.

If the preconstruction survey (MM2) determines that there are no badger dens identified in proximity to project activity areas, this condition can be satisfied and no further action is required.

**Comments By Staff**

**Last Update on:**

**Updated By:**

Preconstruction survey conducted on October 28, 2015 found no badger dens in proximity to the project activity area.

11/9/2015 8:59:47AM

BOGDANG

**Condition Compliance Status Report for PLN140395**

**16. MM9 - PRECONSTRUCTION NESTING BIRD SURVEYS**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to equipment mobilization that commences within the nesting season, February 1 through September 15, a qualified biologist shall conduct preconstruction surveys for nesting birds, including raptors, in all areas within 500 feet of proposed disturbance areas, where accessible. The required survey dates may be modified based on local conditions, as determined by the biologist based on observations in the field. Early removal of nest starts (incomplete nests in which eggs have not been laid) can be performed by the qualified biologist for common species to discourage mated pairs from nesting in areas subject to disturbance. Nest starts of special status birds shall not be disturbed without consultation with CDFW. Active nests of native birds shall be protected with a no-work buffer. Buffer distance shall be a minimum of 100 feet for songbirds and 500 feet for raptors. Prescribed buffers may be adjusted to reflect existing conditions such as ambient noise, topography, and level of disturbance from proposed activities in consultation with CDFW and the County. Any nest buffer zones shall be clearly delineated to avoid disturbance to nesting birds. Depending on their proximity to disturbance areas, buffer zones may be designated in the field in various ways, including flagging, fencing, and/or signage.

**Compliance or Monitoring Action to be Performed:** Surveys shall be completed within 14 days prior to equipment mobilization. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

**Comments By Staff**

**Last Update on:**

**Updated By:**

*Equipment mobilization and the preconstruction survey were conducted outside of the nesting bird season (February 1 through September 15). The preconstruction survey did not find any onsite nests or nesting activity.*

11/9/2015 9:04:16AM

BOGDANG

## Condition Compliance Status Report for PLN140395

### 17. MM11 - TREE PROTECTION

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** To minimize root disturbance to the protected native oaks that would not be removed by the project, the following tree protection measures shall be implemented:

1. Limits of any ground-disturbing work within 25 feet of native trees shall be clearly flagged in the field. Parking shall be restricted to existing graveled areas and shall not be permitted under trees. Parking locations for passenger vehicles shall be designated away from oak trees. Workers will be informed of the need to avoid parking under oaks as part of WEAP training (Measure BIO-1).

2. Soils shall not be deposited around or over any trees in the project area.

**Compliance or Monitoring Action to be Performed:** Prior to the start of equipment mobilization, the applicant shall provide documentation, in the form of photographs, that tree protection measures have been implemented and the prohibiting of parking underneath oak trees has been incorporated into the WEAP training materials.

**Comments By Staff**

**Last Update on:**

**Updated By:**

The preconstruction survey was conducted on October 28, 2015 and identified that the installation of the oak tree avoidance fencing was sufficient to ensure protection of oak trees onsite. Minimization measures were included in the WEAP training. See file PLN140395 for WEAP materials and Preconstruction survey.

11/9/2015 9:06:11AM

BOGDANG

### 18. PDSP001 - TEMPORARY USE PERMIT (NON-STANDARD)

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This temporary Use Permit shall expire one year from the date that the resolution is mailed to the applicant, with a n option for applicant to request to extend the permit at the specific site for a period not to exceed an additional six (6) months. Any approval of such request will be contingent upon no violation of grading, zoning, land use policies or local and state regulations.

**Compliance or Monitoring Action to be Performed:** The applicant must apply for an extension, if desired, prior to the expiration of the temporary Use Permit

**Comments By Staff**

**Last Update on:**

**Updated By:**

On 7/12/2016 owner submitted request to grant 6 month extension as provide herein. The letter meets the requirements of the condition and indicates the correct expiration of 2/10/2017. This condition is met. Ramon Montano, Assistant Planner.

7/14/2016 3:02:51PM

MONTANOR

The applicant will be credited for the time taken by the County to send out documents, and be received by the applicant. Applicant received documents on August 10, 2015. See Condition 2, 4, 7

## Condition Compliance Status Report for PLN140395

### 19. PDSP002 - SUBSEQUENT PERMIT REQUIRED (NON-STANDARD)

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If the production testing for oil and gas finds that commercial quantities of oil and gas exist at this location (Bradley Minerals Well 2-2), a subsequent Use Permit approval will be required to convert the site to full production. This Use Permit allows production testing as long as the monthly truck trips remain under 13 as described in the Initial Study. If oil production results in an increase in truck trips above this, a permanent Use Permit shall be obtained to allow production from this well.

**Compliance or Monitoring Action to be Performed:** The applicant shall submit monthly logs of truck trips made for the hauling away of produced fluids for Bradley Minerals Well 2-2 to RMA-Planning for review. If the monthly number of trips exceeds 13, a subsequent use permit shall be required to convert site to full production.

*Comments By Staff*

*Last Update on:*

*Updated By:*

6/26/2015 10:10:33AM

BOGDANG

### 20. PDSP003 - SITE RESTORATION (NON-STANDARD)

**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Should the applicant not apply for and obtain a subsequent Use Permit for full production of oil and gas at this location (Bradley Minerals Well 1-2 & 2-2), all wells onsite shall be abandoned, all temporary facilities shall be removed, and the site shall be restored to its predevelopment state as permanent grazing/non-native grasslands. This restoration includes removal of gravel and other surface materials and contaminated soil and the restoration of natural grade, with the re-vegetation of the site.

**Compliance or Monitoring Action to be Performed:** A performance bond or security in the amount of one hundred percent (100%) of the estimated cost of well abandonment (Bradley Minerals Well 1-2 & 2-2) and site restoration shall be submitted to RMA-Planning by Owner/Applicant prior to commencement of use.

Prior to the expiration of the temporary Use Permit, and if the applicant has not applied for a subsequent Use Permit for full production, the applicant shall submit documentation (site photos, DOGGR permits, etc) to RMA-Planning that the site has been restored to its predevelopment state.

*Comments By Staff*

*Last Update on:*

*Updated By:*

*On November 6, 2015, RMA-Planning received performance bond in the amount of \$10,000 from the Great American Insurance Company for surface site restoration. Bond is located in file PLN140395*

11/9/2015 9:23:32AM

BOGDANG

## Condition Compliance Status Report for PLN140395

### 21. PDSP004 - NO WELL STIMULATION TREATMENTS

**Current Status:** On-Going  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The temporary use permit will allow production testing using an existing oil and gas well, Bradley Minerals 2-2. The use of any form of well stimulation treatment, including hydraulic fracturing, acid fracturing, and acid matrix stimulation, is not permitted with this entitlement.

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant (Trio Petroleum LLC) and their successors and assigns shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

**Comments By Staff**

**Last Update on:**

**Updated By:**

6/26/2015 10:13:59AM

BOGDANG

### 22. PDSP005 - CONFORMANCE WITH MBUAPC (NON-STANDARD)

**Current Status:** Met  
**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Any flaring of natural gas shall be done using permitted equipment by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and shall comply with all applicable MBUAPD standards.

**Compliance or Monitoring Action to be Performed:** Contact the Monterey Bay Unified Air Pollution Control District.

**Comments By Staff**

**Last Update on:**

**Updated By:**

Permit to Operate from MCUAPCD was submitted by the applicant on 10/14/2015. See file.

10/26/2015 9:51:24AM

BOGDANG

## Condition Compliance Status Report for PLN140395

<b>23. PDSP006 - CONFORMANCE WITH CALIFORNIA CLASS II UIC PROGRAM</b>
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**Current Status:** Partially Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The disposal of produced fluids shall not be injected in any well that is currently out of compliance with the Safe Water Drinking Act. The applicant shall disclose the location of the fluid disposal. The disposal of fluids shall be in conformance with all applicable regional, state, and federal regulations and meet the following performance criteria:

- Disposal of fluids shall be in a permitted injection well that is located in an aquifer that has been exempted by the Department of Conservation, or
- Disposal of fluids shall be in a permitted injection well that is located in an aquifer that has a Total Dissolved Solids (TDS) concentration above 10,000 mg/L which does not require an exemption from the Department of Conservation, or
- Disposal of fluids will be at an approved hazardous waste facility

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operation, the applicant shall disclose the name of the licensed contractor hired to dispose of produced fluids, and list of permitted disposal sites to RMA-Planning. With the requirement of Condition #19 (submittal of the monthly log of truck trips made), the applicant shall disclose the destination of the disposed fluids to RMA-Planning.

<i>Comments By Staff</i>	<i>Last Update on:</i>	<i>Updated By:</i>
<i>On October 26, 2015, via email, the applicant provided RMA-Planning with the name of the licensed contractor for the disposal of produced fluids, Southern California Waste Water (SCWW). Copy of email located in file PLN140395.</i>	<i>11/9/2015 9:27:13AM</i>	<i>BOGDANG</i>

<b>24. EHSP01 - HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN (NON-STANDARD)</b>
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**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory), and the Monterey County Code Chapter 10.65.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operation, the Owner/Applicant shall submit a signed Business Response Plan – Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operations.

<i>Comments By Staff</i>	<i>Last Update on:</i>	<i>Updated By:</i>
<i>Per email from Robert Fernandez, Senior Environmental Health Specialist EHB. See file</i>	<i>10/26/2015 9:38:23AM</i>	<i>BOGDANG</i>

Condition Compliance Status Report for PLN140395

25. EHSP02 - HAZARDOUS WASTE CONTROL (NON-STANDARD)

Current Status: **Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The facility shall comply with the standards found in the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Division 20, Chapter 6.5, and the Monterey County Code Chapter 10.65 for the proper handling, storage and disposal of Hazardous Waste, including but not limited to produced fluids, as approved by the Environmental Health Bureau (EHB).

Compliance or Monitoring Action to be Performed: Prior to commencement of operation, the applicant shall submit to the Hazardous Materials Management Services of the Environmental Health Bureau (EHB) an inventory of any hazardous waste expected to be generated on site for review and acceptance. If no hazardous waste is expected to be generated, applicant shall submit attestation to the satisfaction of EHB.

Comments By Staff

Last Update on:

Updated By:

Per email from Robert Fernandez, Senior Environmental Health Specialist EHB. See file

10/26/2015 9:38:59AM

BOGDANG

## Condition Compliance Status Report for PLN140395

**26. EHSP03 - HAZARDOUS MATERIALS: SPILL PREVENTION CONTROL COUNTERMEASURE PLAN (NON-STANDARD)**

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Spill Prevention Control Plan for the following:

Onsite fluids: The Plan shall include containment and spill prevention measures that when implemented, will avoid any potential impacts to the adjacent ephemeral stream. The plan shall describe specific methods for avoiding spills of hazardous materials, containment and cleanup measures in the event such spills occur, and means by which materials would be prevented from being washed offsite into the adjacent drainage during rain events. Such measures can include containment berms, temporary containment devices such as fiber rolls with oil pads around sites, drip pans under generators and equipment. The plan shall describe steps taken in the event of a spill and how contaminated materials shall be collected and contained. If spill containment berms are used, such berms must be located within the existing disturbed project site rather than adjacent undisturbed habitat. The containment areas shall not involve any additional excavation and shall include lined surfaces to prevent absorption of liquids into the soil and release of liquids into the surrounding environment. All containment areas shall be within the existing well pad footprint.

Onsite tanks: Above ground storage tanks for petroleum products (i.e. diesel, oil, and gasoline) with greater than 1320-gallons of capacity or for cumulative storage of more than 1320-gallons shall meet the standards as found in the California Health and Safety Code, Section 25270 et seq. and of the Code of Federal Regulations, Part 112 (commencing with Section 112.1) of Subchapter D of Chapter 1 of Title 40.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operation, the applicant shall submit a plan for the containment of onsite fluids and tanks. This Spill Prevention Control Countermeasure (SPCC) Plan shall be submitted to the Environmental Health Bureau (EHB) for review and acceptance.

This standard condition shall fully satisfy the #10 Biological Resources mitigation measure of the Mitigated Negative Declaration

**Comments By Staff**

**Last Update on:**

**Updated By:**

*The applicant submitted an SPCC that was approved by EHB staff per email from Robert Fernandez dated 11/09/2015. Robert Fernandez conducted site inspection and determined containment measures as implemented in the field satisfy this condition. Email, SPCC, and photos located in file PLN140395*

11/10/2015 9:24:16AM

BOGDANG

Condition Compliance Status Report for PLN140395

27. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the commencement of operation. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the commencement of operation, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval.

Prior to the commencement of operation the Owner/Applicant shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

Comments By Staff

Last Update on:

Updated By:

Applicant submitted plan and example of temporary lights that will be used in case of emergency on 10/23/2015.

10/26/2015 9:36:54AM

BOGDANG

# Monterey County Resource Management Agency Planning Department

## Condition Compliance Status Report for PLN150371

(as of 11/18/2016)

### 1. PD001 - SPECIFIC USES ONLY

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Administrative Permit and General Development Plan (PLN150371) allows the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities. The project is designed to accommodate between 200 and 800 agricultural employees primarily during the harvest season from April through November. The project is for agricultural employees only, without dependents. The property is located at 121 Spreckels Boulevard (Assessor's Parcel Number 177-021-000), Greater Salinas Area Plan. 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:** Tanimura and Antle and their assignees shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

**Comments By Staff**

**Last Update on:**

**Updated By:**

9/2/2015 12:53:12PM

SCHUBERTBJ

Condition Compliance Status Report for PLN150371

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Tanimura and Antle and their assignees shall record a Permit Approval Notice. This notice shall state:

"An Administrative Permit and General Development Plan (Resolution Number 15-240) was approved by Board of Supervisors for Assessor's Parcel Number 177-021-015-000 on September 1, 2015. The permit was granted subject to 39 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 Tanimura and Antle and their assignees shall provide proof of recordation of this notice to RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

8/26/2015: Prepped and kept on file until Board of Supervisors Hearing. (Monique Kakimoto)

9/10/2015 1:08:13PM

ROTHARMELL

8/3/2015: Grant Deed requested by assigned planner, Bob Schubert. Please mail completed legal docs to agent, Wesley Van Camp. (Monique Kakimoto)

On September 2, 2015, Wesley Van Camp submitted a copy of the recorded notice; recorded on September 2, 2015; Doc #: 2015049655. This condition is met. (Bob Schubert)

### Condition Compliance Status Report for PLN150371

#### 3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A copy of the Resolution of Approval (Resolution No. 15-041) for the Combined Development Permit (Planning File No.: PLN150371) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

**Comments By Staff**

**Last Update on:**

**Updated By:**

RESOLUTION IS SHOWN ON SHEETS A0.14-17 IN THE PLANS RECEIVED ON AUGUST 10, 2015.

9/2/2015 12:53:12PM

SCHUBERTBJ

## Condition Compliance Status Report for PLN150371

### 4. PD004 - INDEMNIFICATION AGREEMENT

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees agree 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. (RMA - Planning)

**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, Tanimura and Antle and their assignees shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

8/26/2015: forwarded to County Counsel for review (Monique Kakimoto)

9/10/2015 1:08:43PM

ROTHARMELL

8/3/2015: Grant Deed requested by assigned planner, Bob Schubert. Please mail completed legal docs to agent, Wesley Van Camp. (Monique Kakimoto)

On September 2, 2015, Wesley Van Camp submitted a copy of the recorded Indemnification Agreement; recorded on September 2, 2015, Doc #: 2015049696. This condition is met. (Bob Schubert)

Condition Compliance Status Report for PLN150371

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

**Current Status:** Met

**Responsible Department:** Planning Department

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

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

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

Applicant paid the F & G fee on July 29, 2015 when the NOD was filed.

9/2/2015 12:53:12PM

SCHUBERTBJ

**Condition Compliance Status Report for PLN150371**

**6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

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

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

**Comments By Staff**

**Last Update on:**

**Updated By:**

On September 2, 2015, Wesley Van Camp submitted a copy of recorded Condition of Approval/Mitigation Monitoring and Reporting Plan; recorded on September 2, 2015, Doc #: 2015049695. This condition is met. (Bob Schubert)

11/9/2015 3:36:58PM

LAWRENCEL

8/26/2015: forwarded to County Counsel for review (Monique Kakimoto)

8/3/2015: Grant Deed requested by assigned planner, Bob Schubert. Please mail completed legal docs to agent, Wesley Van Camp. (Monique Kakimoto)

**7. PD006(A) - CONDITION COMPLIANCE FEE**

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

**Compliance or Monitoring Action to be Performed:** Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

**Comments By Staff**

**Last Update on:**

**Updated By:**

Applicant submitted a check for the condition compliance deposit.

9/2/2015 12:53:12PM

SCHUBERTBJ

## Condition Compliance Status Report for PLN150371

### 8. PDSP01 - RETAIL STORE SALES

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All sales at the retail store shall be limited only to employees of Tanimura and Antle.

**Compliance or Monitoring Action to be Performed:** Prior to occupancy, Tanimura and Antle and its assignees shall demonstrate to the satisfaction of the RMA-Planning Director the mechanism that will be employed to insure that all sales at the retail store are limited only to employees of Tanimura and Antle.

**Comments By Staff**

**Last Update on:**

**Updated By:**

Applicant submitted letter dated March 23, 2016 indicating mechanism for restricting sales to employees.

3/23/2016 2:58:29PM

SCHUBERTBJ

### 9. PDSP02 - GUEST PARKING

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and its assignees shall provide 50 guest parking spaces (in addition to the 200 spaces provided for residents).

**Compliance or Monitoring Action to be Performed:** Prior to issuance of a building permit, Tanimura and Antle and its assignees shall submit a plan to provide 50 guest parking spaces for review and approval by the RMA-Planning Director. The parking spaces shall be installed prior to occupancy.

**Comments By Staff**

**Last Update on:**

**Updated By:**

THE REQUIRED NUMBER OF GUEST PARKING SPACES IS SHOWN ON SHEET C1.1 OF THE PLANS SUBMITTED ON AUGUST 10, 2015.

9/2/2015 12:53:12PM

SCHUBERTBJ

### 10. PDSP03 - PEDESTRIAN ACCESS TO RETAIL STORE

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle shall provide safe pedestrian access between the apartments and the retail store.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a building permit, Tanimura and Antle and its assignees shall submit revised plans showing safe pedestrian access between the apartments and the retail store to the satisfaction of the RMA-Planning Director. The improvements shall be installed prior to occupancy.

**Comments By Staff**

**Last Update on:**

**Updated By:**

PEDISTRIAN ACCESS TO THE RETAIL STORE IS SHOWN ON SHEET C1.1 OF THE PLANS SUBMITTED ON AUGUST 10, 2015.

9/2/2015 12:53:12PM

SCHUBERTBJ

## Condition Compliance Status Report for PLN150371

### 11. PDSP04 - LAUNDRY FACILITIES

**Current Status:** **Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall provide a minimum of one washer and one dryer for every 25 occupants of the facility.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a building permit, Tanimura and Antle and their assignees shall submit revised provide showing a minimum of one washer and one dryer for every 25 occupants of the facility. The washers and dryers shall be installed prior to occupancy.

**Comments By Staff**

**Last Update on:**

**Updated By:**

THE REQUIRED NUMBER OF WASHERS AND DRYERS IS SHOWN ON SHEET A2.5 OF THE PLANS SUBMITTED ON AUGUST 10, 2015.

9/2/2015 12:53:12PM

SCHUBERTBJ

### 12. PDSP05 - AGRICULTURAL BUFFER

**Current Status:** **Met**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** To provide an additional agricultural buffer, Tanimura and Antle and their assignees shall relocate the existing olive trees on the site to the area between the southwestern property line and the proposed driveway.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a building permit, Tanimura and Antle and their assignees shall submit a revised landscape plan showing the existing olive trees relocated to the area between the southwestern property line and the proposed driveway for review and approval by the RMA-Planning Director. The trees shall be relocated prior to occupancy.

**Comments By Staff**

**Last Update on:**

**Updated By:**

THE RELOCATED TREES ARE SHOWN IN THE PROPER LOCATION ON SHEET L-4.0 OF THE PLANS SUBMITTED ON AUGUST 10, 2015.

9/2/2015 12:53:12PM

SCHUBERTBJ

### 13. PDSP06 - OPERATION OF PROJECT

**Current Status:** **On-Going**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If the project is to be operated in a way that is inconsistent with the approved General Development Plan or the description in this resolution, then an amendment to the General Development Plan will be required.

**Compliance or Monitoring Action to be Performed:** If Tanimura and Antle and their assignees decide to operate the project in a way that is inconsistent with the approved General Development Plan or the description in this resolution, then an amendment to the General Development Plan will be required prior to implementation of any such changes in operation.

**Comments By Staff**

**Last Update on:**

**Updated By:**

9/2/2015 1:50:14PM

SCHUBERTBJ

## Condition Compliance Status Report for PLN150371

### 14. MM001 - AMMONIA STORAGE AWARENESS AND NOTIFICATION PLAN

**Current Status:** Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure 8.1 - Tanimura and Antle and their assignees shall submit an ammonia storage awareness and notification plan to the Environmental Health Bureau (EHB) for review and approval which includes, but is not limited to:

- Education for employee housing residents regarding risks associated with an ammonia release;
- An ammonia detection, monitoring and notification system including an audible alarm at employee housing facility that is distinctly different from a fire alarm;
- An emergency notification plan for employee housing residents;
- Training for employee housing residents on emergency procedures in the event of an ammonia release provided at initial occupancy and refreshed annually; and
- An emergency response procedure drill conducted annually within the first month of occupancy each year. (Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits, Tanimura and Antle and their assignees shall submit a plan to EHB for review and approval.

Prior to occupancy of the employee housing facility, Tanimura and Antle and their assignees shall conduct a test of the ammonia detection, monitoring and notification system in the presence of EHB.

**Comments By Staff**

**Last Update on:**

**Updated By:**

**Condition Compliance Status Report for PLN150371**

6/15/2016 9:42:01AM

FOWLERNE

MAY 10, 2016 - EILEEN MOSQUEDA OF EHB'S HAZMAT MANAGEMENT SERVICES WITNESSED AMMONIA SENSOR TRIPS TO SHUT DOWN HVAC SYSTEM AND ACTIVATE ONSITE ALARMS FOR BUILDINGS D, E, F, G AND H PER THE APPROVED AMMONIA MONITORING PLAN. ALL SIX AMMONIA DETECTORS SPREAD THROUGHOUT THE BUILDING C COOLER AND WITHIN THE EMPLOYEE HOUSING AREAS FUNCTIONED WITH AUDIBLE/VISUAL ALARMS AND SHUT DOWN THE INDIVIDUAL HOUSING ROOMS HVAC SYSTEMS.

THEREFORE, THE ENTIRE EMPLOYEE HOUSING FACILITY (BUILDINGS A-H) HAVE DEMONSTRATED COMPLIANCE WITH THE REQUIREMENTS OF CONDITION 14. CONDITION CLEARED ON 5/15/16 BY NICKI FOWLER OF EHB.

MAY 3, 2016 - EILEEN MOSQUEDA - VERIFIED PROPER FUNCTIONALITY OF THE BUILDING C VENTILATION SYSTEM PER THE APPROVED AMMONIA MONITORING PLAN. BUILDING C IS THEREFORE CLEAR OF THIS SPECIFIC CONDITION.

HOWEVER, TESTING FOR THE SYSTEMS SERVING BUILDINGS D-H REMAIN OUTSTANDING AND WILL BE REQUIRED PRIOR TO OCCUPANCY.

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MARCH 30, 2016 - EHB STAFF (BRUCE WELDEN AND EILEEN MOSQUEDA) WERE ON SITE TO WITNESS SUCCESSFUL TESTING OF THE AMMONIA DETECTION SYSTEM INSTALLED TO SERVE BUILDINGS A & B. CONDITION IS CONSIDERED MET FOR BUILDINGS A & B BY NICKI FOWLER OF EHB

HOWEVER, TESTING FOR THE SYSTEMS SERVING BUILDINGS C-H REMAIN OUTSTANDING AND WILL BE REQUIRED PRIOR TO OCCUPANCY.

\*\*\*\*\*

AUGUST 31, 2015 - APPLICANT SUBMITTED AN AMMONIA STORAGE AWARENESS AND NOTIFICATION PLAN FOR AGRICULTURAL EMPLOYEE HOUSING, PREPARED BY AXIOM ENGINEERS AND DATED AUGUST 31, 2015. EHB HAS REVIEWED THE REPORT AND APPROVES IT AS ADEQUATE TO SATISFY CONDITION 14 (MM001). CONDITION CLEARED BY NICKI FOWLER, EHB.

**Condition Compliance Status Report for PLN150371**

**15. MM002 - HAZARDOUS MATERIALS: RISK MANAGEMENT PLAN**

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure 8.2 - In order to reduce the potential risks for the occupants of the proposed project from an accidental release of ammonia from the existing ammonia cooler facilities in the vicinity of the project site, the existing CalARP Program Level 2 Risk Management Plan (RMP) for the cooler identified as EHB Facility FA08181048 must be changed to a Level 3 RMP. The Level 3 RMP shall include the following:

- Process Safety Information
- Process Hazard Analysis
- Operating Procedures
- Training for operators
- Mechanical Integrity
- Management of Change
- Pre-Startup Safety Review Procedures
- Compliance Audits Schedule
- Incident Investigation
- Employee Participation
- Hot Work Permit
- Contractors

(Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Mitigation Measure 8.2 - Prior to occupancy of the employee housing facility, Tanimura and Antle and their assignees shall provide evidence to the Environmental Health Bureau that the Risk Management Plan (RMP) for Tanimura & Antle - Spreckels Industrial Park (EHB Facility No. FA0818048) has been amended to reflect a CalARP Program Level 3 compliance status. The amended RMP shall be approved by the Environmental Health Bureau prior to occupancy of the project.

**Comments By Staff**

**Last Update on:**

**Updated By:**

APRIL 1, 2016 - ON 03/30/16 TANIMURA & ANTLE SUBMITTED TO EHB A RISK MANAGEMENT PLAN (RMP) FOR SPRECKELS INDUSTRIAL PARK (EHB FACILITY NO. FA0818048) WHICH REFLECTS CAL-ARP PROGRAM LEVEL 3 STATUS. THE RMP HAS BEEN ACCEPTED BY EILEEN MOSQUEDA OF EHB AND IS CONSIDERED TO BE IN SUBSTANTIAL CONFORMANCE WITH STATE AND FEDERAL CAL-ARP LAWS AND REGULATIONS.

4/1/2016 5:00:59PM

FOWLERNE

## Condition Compliance Status Report for PLN150371

### 16. MM003 - HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure 8.3 - In order to reduce the potential risks for the occupants of the proposed employee housing facility from an accidental release of ammonia from the existing ammonia cooler facilities in the vicinity of the project site, the applicant shall prepare a Business Response Plan (BRP) for the operation of the cooler facility. The Business Response Plan shall include the following:

- Inventory of Hazardous Materials
- Business Contact Information
- Site Map
- Training Plan
- Emergency Response Plan  
(Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Prior to occupancy of the employee housing facility Tanimura and Antle and their assignees shall provide evidence to the Environmental Health Bureau (EHB) that the Business Response Plan for the operation of the cooler facility is on file with Hazardous Materials Management Services and reflects the employee housing facility.

**Comments By Staff**

**Last Update on:**

**Updated By:**

APRIL 1, 2016 - EHB HAS CONFIRMED THAT THE APPLICANT HAS UPDATED THE BUSINESS RESPONSE PLAN FOR THE OPERATION OF THE COOLER FACILITY VIA THE CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM (CERS), CERSID: 10434256. CONDITION CLEARED BY NICKI FOWLER OF EHB.

4/1/2016 4:05:37PM

FOWLERNE

## Condition Compliance Status Report for PLN150371

### 17. MM004 - IMPORTED FILL MATERIAL

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure 8.4 - All soil placed on the project site shall be sampled to determine if there are any hazardous elements present in the soil. Tanimura and Antle and their assignees shall submit a soil sampling plan that includes all sources of fill material to EHB for review and approval and pay necessary fees. In the event a borrow site is identified as being contaminated, fill material shall not be imported to the project from that site. (Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** The sampling plan including all sources of fill material, shall be submitted for review and be approved by the Environmental Health Bureau prior to issuance of any construction permits and prior to importing any fill material to the site. Once approved, an appropriately licensed, CA-registered professional shall complete documentation of the borrow site(s), oversee soil sampling and prepare a comprehensive report to be submitted to the Environmental Health Bureau for review and acceptance.

**Comments By Staff**

**Last Update on:**

**Updated By:**

8/25/2015 - Applicant submitted a memorandum regarding Phase II ESA Fill Soil Sampling Analytical Testing Results for the project prepared by Pacific Crest Engineering, Inc. (PCEI) and dated August 25, 2015. Bruce Welden of EHB reviewed the analytical results and recommendations on August 25, 2015 and has no objections to the use of fill from the subject site fill and subject site lime per the recommendations of the project soils engineer as indicated in Figure 1 of the PCEI report, which excludes both sample points TF8 and TF16. Condition cleared by Nicki Fowler of EHB on August 26, 2015.

9/2/2015 12:53:12PM

SCHUBERTBJ

**Condition Compliance Status Report for PLN150371**

<b>18. MM006 - WASTEWATER IMPROVEMENTS</b>
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**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure 17.1 - The employee housing facility is proposed to receive sewer service from Spreckels Wastewater Treatment Plant (WWTP) which is operated by California American Water. The Central Coast Regional Water Quality Control Board (RWQCB) regulates the WWTP under the Waste Discharge Requirements contained in RWQCB Order No. 99-086. The WWTP shall receive improvements to the existing wastewater processing system including additional aeration in the existing treatment pond and discing/ripping of the existing reclamation ponds at the expense of Tanimura and Antle.

**Compliance or Monitoring Action to be Performed:** Prior to occupancy of the farmworker housing project, the improvements to the existing WWTP shall be completed to the satisfaction of the RWQCB. A letter shall be provided to the Environmental Health Bureau confirming that the specified improvements have been completed to the satisfaction of the RWQCB.

**Comments By Staff**

**Last Update on:**

**Updated By:**

MAY 3, 2016 - RWQCB (TOM KUKOL) NOTIFIED CAL-AM (NINA MILLER) IN AN EMAIL DATED 03/28/2016 THAT THE SPRECKELS WWTP CAN PHYSICALLY AND OPERATIONALLY ACCOMMODATE THE INCREASED WASTEWATER FLOWS FROM THE TANIMURA AND ANTLE EMPLOYEE HOUSING PROJECT. CONDITION CLEARED ON 05/03/16 BY NICKI FOWLER OF EHB.

5/3/2016 9:24:27AM

FOWLERNE

CAL-AM, OPERATOR OF THE SPRECKELS WWTP, SUBMITTED MULTIPLE LETTERS AND REPORTS TO RWQCB TO DEMONSTRATE THE PLANT'S PHYSICAL AND OPERATIONAL CAPACITY, AS FOLLOWS:

8/24/2015 COVER LETTER FROM CAL-AM ON THE VALENTINE ENVIRONMENTAL ENGINEERS MEMO DATED AUGUST 14, 2015.

3/21/2016 COVER LETTER FROM CAL-AM WITH INTERIM WWTP PLAN AND RESPONSES TO RWQCB COMMENTS ON AUGUST 2015 ENGINEERING MEMO.

4/6/2016 COVER LETTER FROM CAL-AM WITH RESPONSE TO RWQCB COMMENTS ON 3/21/16 CAL-AM LETTER AND INFILTRATION/PERCOLATION DATA REPORT ON THE EXISTING SPRECKELS PERCOLATION POND.

4/26/16 COVER LETTER FROM CAL-AM WITH RESPONSE TO RWQCB COMMENTS ON 4/26/16 CAL-AM LETTER.

**Condition Compliance Status Report for PLN150371**

**19. MM007 - WATER SYSTEM PERMIT AMENDMENT**

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure 17.2 - The State Water Resources Control Board Division of Drinking Water (Division) will require that the Spreckels Water System apply for and be issued an amendment to their water system permit prior to using the employee housing since:  
 - the proposed project will expand the distribution system by greater than 20%. The system currently serves 324 connections and the proposed project would add 100 housing units (CA Code of Regulations Section 64556(a)(5).  
 - the system is unable to meet Maximum Day Demand with the largest source of supply offline.  
 (Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Prior to occupancy, the applicant shall provide documentation to the satisfaction of the Environmental Health Bureau that the Division has issued an interim approval to operate or an amendment to the Spreckels Water System permit.

**Comments By Staff**

**Last Update on:**

**Updated By:**

MARCH 23, 2016 - APPLICANT PROVIDED EHB A COPY OF THE SPRECKELS WATER COMPANY PERMIT AMENDMENT FROM STATE WATER RESOURCES CONTROL BOARD, DRINKING WATER FIELD OPERATIONS (WATER PERMIT NO. NO. 02-05-11P-2710023 AND AMENDMENT NO.1), DATED MARCH 18, 2016. CONDITION CLEARED BY NICKI FOWLER OF EHB.

4/1/2016 4:15:44PM

FOWLERNE

**20. MM008 - WATER SYSTEM IMPROVEMENTS**

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure 17.3 - The proposed distribution system expansion of the Spreckels Water Company shall comply with all pertinent sections of the CA Waterworks Standards including but not limited to:  
 • CA Code of Regulations Section 64570 thru 64578 which specifies requirements for pipeline sizes, materials and installation, including required horizontal and vertical separations between new water mains and pipes carrying non-potable fluids  
 • CA Code of Regulations Section 64591 which requires all materials that come in contact with the water shall be certified to meet NSF Standard 61 for indirect additives.  
 (Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits that include expansion of the water distribution system, Tanimura and Antle and their assignees shall provide documentation to the satisfaction of the Environmental Health Bureau that plans have been reviewed and approved by the State Water Resources Control Board Division of Drinking Water.

**Comments By Staff**

**Last Update on:**

**Updated By:**

AUGUST 27, 2015 - EHB RECEIVED A COPY OF A LETTER FROM STATE WATER RESOURCE CONTROL BOARD, DATED AUGUST 27, 2015, INDICATING APPROVAL OF SPRECKELS WATER COMPANY DISTRIBUTION SYSTEM IMPROVEMENT PLANS. CONDITION CLEARED BY NICKI FOWLER, EHB, ON 8/27/2015.

9/2/2015 12:53:12PM

SCHUBERTBJ

**Condition Compliance Status Report for PLN150371**

**21. MMO05 - FIRE PROTECTION SERVICES**

**Current Status:** Not Met  
**Responsible Department:** Fire  
**Condition/Mitigation Monitoring Measure:** Mitigation Measure 14.1 - Prior to issuance of any construction permits a contract for fire protection services shall be entered into between the Monterey County Regional Fire District and the Spreckels CSD. The agreement shall remain in effect during the duration of the project or until other alternative solutions are developed. (Fire)  
**Compliance or Monitoring Action to be Performed:** A copy of the fully executed agreement shall be provided to RMA-Planning prior to issuance of any construction permits.

*Comments By Staff* **Last Update on:** 9/2/2015 12:53:12PM **Updated By:** SCHUBERTBJ

**22. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE**

**Current Status:** Met  
**Responsible Department:** Public Works Department  
**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, Tanimura and Antle and their assignees shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.  
**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, Tanimura and Antle and their assignees shall pay Monterey County Building Services Department the traffic mitigation fee.

*Comments By Staff* **Last Update on:** 9/2/2015 12:53:12PM **Updated By:** SCHUBERTBJ

*The Regional Development Impact Fee has been paid on 8/11/2015, receipt #1029748. Condition cleared on 8/214/2015 by Juan Hernandez, Engineering Technician.*

**23. PWSP001 – COUNTY WIDE TRAFFIC IMPACT FEE**

**Current Status:** Met  
**Responsible Department:** Public Works Department  
**Condition/Mitigation Monitoring Measure:** If the County Wide Traffic Impact Fee is in place prior to issuance of building permits, Tanimura and Antle and their assignees shall pay the County Wide Traffic Impact Fee. The fee amount shall be determined based on the parameters adopted in the fee schedule.  
**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, Tanimura and Antle and their assignees shall pay Monterey County Building Services Department the traffic mitigation fee. Tanimura and Antle and their assignees shall submit proof of payment to the DPW.

*Comments By Staff* **Last Update on:** 9/2/2015 12:53:12PM **Updated By:** SCHUBERTBJ

*The County Wide Traffic Impact Fee not applicable. Condition cleared on 8/24/2015 by Juan Hernandez, Engineering Technician.*

## Condition Compliance Status Report for PLN150371

### 24. SHSP001 - PUBLIC SAFETY AND SECURITY GUIDELINES

**Current Status:** Met  
**Responsible Department:** Sheriff  
**Condition/Mitigation Monitoring Measure:** Prior to occupancy, Tanimura and Antle and their assignees shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Office. (Sheriff's Office)  
**Compliance or Monitoring Action to be Performed:** Tanimura and Antle and their assignees shall contact the Sheriff's Community Service's Representative and obtain specific public safety guidelines tailored to the project and implement satisfactory measures prior to occupancy.

**Comments By Staff**

**Last Update on:**

**Updated By:**

See memo from Donna Galleti dated 3/24/2016

7/8/2016 9:29:56AM

SCHUBERTBJ

### 25. WRSP1 - DRAINAGE PLAN (NON-STANDARD WORDING)

**Current Status:** Met  
**Responsible Department:** Water Resources Agency  
**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall provide a drainage plan, prepared by a registered civil engineer, to mitigate on-site and off-site impacts. The plan shall include stormwater retention/percolation facilities and mitigate post-development peak flow discharge. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)  
**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, Tanimura and Antle and their assignees shall submit a drainage plan with the construction permit application.  
  
The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

The Agency has received an acceptable drainage plan prepared by Whitson Engineers, dated 08/26/2015, showing impervious surface stormwater runoff being directed to an existing percolation pond with an overflow to an existing adjacent basin. The proposed drainage improvements mitigate post-development peak flow discharge. Condition no. 25 is met.

9/2/2015 12:53:12PM

SCHUBERTBJ

- CONDITION MET 09/02/2015.
- CCF FORM IN DOCUMENTS MODULE.
- CONDITION CLEARED BY MIKE LOGSDON, MCWRA, (831) 755-4876.

Condition Compliance Status Report for PLN150371

26. WRSP2 - COMPLETION CERTIFICATION (NON-STANDARD WORDING)

**Current Status:** Met  
**Responsible Department:** Water Resources Agency  
**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall provide certification from a registered civil engineer that stormwater retention facilities have been constructed in accordance with the approved drainage plan. (Water Resources Agency)  
**Compliance or Monitoring Action to be Performed:** Prior to final inspection, Tanimura and Antle and their assignees shall submit a letter to the Water Resources Agency prepared by a registered civil engineer.

Comments By Staff

Last Update on:

Updated By:

WRA RECEIVED AN ACCEPTABLE STORMWATER COMPLETION CERTIFICATION LETTER FROM WHITSON ENGINEERS DATED 3/31/2016.

7/1/2016 3:59:37PM

BODENSTEINERJM

- CONDITION MET 7/1/2016.
- CCF IN DOCUMENTS MODULE.
- CONDITION CLEARED BY JENNIFER BODENSTEINER, WRA, (831) 755-4860.

27. CALIFORNIA CONSTRUCTION GENERAL PERMIT

**Current Status:** Met  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall submit a Waste Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, Tanimura and Antle and their assignees shall submit a WDID number certifying the project is covered under the California Construction General Permit.

Comments By Staff

Last Update on:

Updated By:

07/11/2016

7/11/2016 1:02:52PM

LOMELIE

Prior to start of construction the applicant received coverage under the California Construction General Permit and provided Environmental Services the WDID number.

(Emily Lomeli, RMA-Environmental Services, X.5681)

**Condition Compliance Status Report for PLN150371**

<b>28. EROSION CONTROL PLAN</b>
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**Current Status:** Met  
**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall submit an Erosion Control Plan in conformance with the requirements of Monterey County Code Chapter 16.12. The Erosion Control Plan may be combined with the Grading Plan provided it is clearly identified. The Erosion Control Plan shall include as necessary: construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s). The following notes shall be included on the Erosion Control Plan:

- Dust from grading operations shall be controlled.
- Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading and erosion control regulations.
- During construction, the owner/applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point.
- Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services to ensure that all disturbed areas have been stabilized and that all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, Tanimura and Antle and their assignees shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

**Comments By Staff**

**Last Update on:**

**Updated By:**

08/27/2015

9/2/2015 12:53:12PM

SCHUBERTBJ

*RMA-Environmental Services received an acceptable Erosion Control Plan prepared by Whitson Engineers, dated 06/24/2015. The Erosion Control Plan includes inspection notes, linear sediment barriers, concrete waste management area, stabilized construction entrance, inlet protection, material storage and waste management area.*

*(Emily Lomeli, RMA-Environmental Services, X.5681)*

## Condition Compliance Status Report for PLN150371

### 29. GEOTECHNICAL CERTIFICATION

**Current Status:** **Met**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Report. (RMA- Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, Tanimura and Antle and their assignees shall provide RMA-Environmental Services a letter from a licensed practitioner.

Comments By Staff	Last Update on:	Updated By:
07/11/2016	7/11/2016 1:55:48PM	LOMELIE

*RMA-Environmental Services received a final geotechnical certification from Grice Engineering, dated 06/22/2016.*

*(Emily Lomeli, RMA-Environmental Services, X.5681)*

### 30. GRADING PLAN

**Current Status:** **Met**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall submit a Grading Plan, prepared by a registered Professional Engineer, incorporating the recommendations in the project Geotechnical Report prepared by Grice Engineering, Inc. The Grading Plan shall also address the requirements of Monterey County Code Chapter 16.08, and the geotechnical inspection schedule shall be included on the plan. The applicant shall provide certification from the licensed practitioner that the Grading Plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, Tanimura and Antle and their assignees shall submit certification from a licensed practitioner that they have reviewed the grading plan for conformance with the geotechnical recommendations.

Comments By Staff	Last Update on:	Updated By:
08/27/2015	9/2/2015 12:53:12PM	SCHUBERTBJ

*RMA-Environmental Services received an acceptable Grading Plan prepared by Whitson Engineers lasted revised 07/23/2015. The Grading Plan includes cross sections and a geotechnical inspections schedule. Environmental Services also received certification from Grice Engineering, Inc. that they have reviewed the Grading Plan for conformance with their geotechnical recommendations.*

*(Emily Lomeli, RMA-Environmental Services, X.5681)*

## Condition Compliance Status Report for PLN150371

### 31. INSPECTION-DURING ACTIVE CONSTRUCTION

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, Tanimura and Antle and their assignees shall provide certification that all necessary geotechnical inspections have been completed to that point. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** During construction, Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services.

**Comments By Staff**

**Last Update on:**

**Updated By:**

07/11/2016

7/11/2016 12:55:10PM

LOMELIE

RMA-Environmental Services conducted a during construction inspection on 01/26/2016.

(Emily Lomeli, RMA-Environmental Services, X.5681)

### 32. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

**Current Status:** Met

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services.

**Comments By Staff**

**Last Update on:**

**Updated By:**

07/11/2016

7/11/2016 12:55:58PM

LOMELIE

RMA-Environmental Services conducted an inspection following active construction on 07/11/2016.

(Emily Lomeli, RMA-Environmental Services, X.5681)

Condition Compliance Status Report for PLN150371

33. INSPECTION-PRIOR TO LAND DISTURBANCE

**Current Status:** Met  
**Responsible Department:** Environmental Services  
**Condition/Mitigation Monitoring Measure:** Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA – Environmental Services)  
**Compliance or Monitoring Action to be Performed:** Prior to commencement of any land disturbance, Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

07/11/2016

7/11/2016 12:53:54PM

LOMELIE

RMA-Environmental Services conducted an inspection prior to land disturbance on 09/09/2015.

(Emily Lomeli, RMA-Environmental Services, X.5681)

Condition Compliance Status Report for PLN150371

34. EHSP01 - EMPLOYEE HOUSING PERMIT

Current Status: **Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Comply with Employee Housing Regulations found in the California Health and Safety Code Section 17000-17062.5 and the California Code of Regulations Title 25, Division 1, Chapter 1, Subchapter 3 Sections 600-940.

Compliance or Monitoring Action to be Performed: Prior to occupancy, the applicant shall obtain an Employee Housing permit from the Environmental Health Bureau.

The property owner shall maintain the Employee Housing permit annually for the duration of the use.

Comments By Staff

Last Update on:

Updated By:

## Condition Compliance Status Report for PLN150371

7/6/2016 4:19:52PM

FOWLERNE

07/06/2016 - SPRECKELS CROSSING EMPLOYEE HOUSING PERMIT (EHB PERMIT NO. FA0826990) HAS BEEN ISSUED. THE CURRENT EMPLOYEE HOUSING PERMIT IS VALID THROUGH 12/31/2016 AND AUTHORIZES 325 ONSITE EMPLOYEES IN UP TO 8 DORMITORIES (BUILDINGS A,B,C,D, E, F, G AND H). THE EMPLOYEE HOUSING PERMIT SHALL BE RENEWED ANNUALLY AND AMENDED AS NECESSARY TO REFLECT THE NUMBER OF EMPLOYEES OCCUPYING THE EMPLOYEE HOUSING FACILITY. CONDITION CLEARED BY NICKI FOWLER OF EHB ON JULY 6, 2016.

06/16/2016 - EMPLOYEE HOUSING INSPECTION OF BUILDINGS E, F, AND G WERE COMPLETED BY RANDY MCMURRAY OF EHB ON JUNE 14, 2016. PENDING VIOLATIONS HAVE ALREADY BEEN CORRECTED. CONDITION 34 HAS BEEN SATISFIED IN REGARD TO BUILDINGS E, F, G.

06/08/2016 - JUNE 8, 2016 - EMPLOYEE HOUSING INSPECTION OF BUILDINGS D AND H COMPLETED BY RANDY MCMURRAY OF EHB ON JUNE 8, 2016. NO VIOLATIONS WERE OBSERVED. TO DATE, CONDITON 34 HAS BEEN SATISFIED IN REGARD TO BUILDINGS A, B, C, D AND H.

05/16/2016 - EHB CONDUCTED EMPLOYEE HOUSING INSPECTIONS OF BUILDING C. EHB HAS RELEASED ALL OCCUPANCY HOLDS FOR BUILDING C. ADDITIONAL INSPECTIONS WILL BE CONDUCTED FOR BUILDINGS D-H UPON REQUEST BY THE APPLICANT AND PRIOR TO OCCUPANCY OR RELEASE OF HOLD FINAL INSPECTIONS.

04/06/2016 - EHB STAFF CONDUCTED EMPLOYEE HOUSING INSPECTIONS OF BUILDINGS A AND B ON APRIL 6, 2016 AND FOUND EACH BUILDING TO MEET ALL APPLICABLE STANDARDS. EHB HAS REQUESTED AN EMPLOYEE HOUSING ID NUMBER FROM THE CA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND WILL UPDATE THIS CONDITION UPON RECEIPT. EHB HAS RELEASED ALL OCCUPANCY HOLDS FOR BUILDINGS A AND B. ADDITIONAL INSPECTIONS WILL BE CONDUCTED FOR BUILDINGS C-H UPON REQUEST BY THE APPLICANT AND PRIOR TO OCCUPANCY OR RELEASE OF HOLD FINAL INSPECTIONS.

04/05/2016 - APPLICANT SUBMITTED TO EHB AN APPLICATION FOR AN EMPLOYEE HOUSING PERMIT (EHB FACILITY RECORD NO. FA0826990 AND PROGRAM RECORD NO. PR0634838) ON MARCH 28, 2016. A SITE ID NUMBER WILL BE PROVIDED BY THE CA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UPON EHB INSPECTION OF THE FACILITY, WHICH IS SCHEDULED FOR 04/06/2016.

TEMPORARY OCCUPANCY HAS BEEN APPROVED BY EHB FOR BUILDINGS A AND B ONLY. A HOLD FINAL IS IN PLACE TO ENSURE THE EMPLOYEE HOUSING INSPECTION OCCURS PRIOR TO FINAL INSPECTION OF BUILDINGS A OR B.

EHB WILL NEED TO CONDUCT EMPLOYEE HOUSING INSPECTIONS FOR BUILDINGS C-H PRIOR TO OCCUPANCY AND FINAL INSPECTION OF EACH RESPECTIVE BUILDING.

**Condition Compliance Status Report for PLN150371**

**35. EHSP02 - SEPARATE RECYCLABLES**

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The facility shall comply with California Assembly Bill AB 341 and Monterey County Code, Chapter 10.41

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits, the applicant shall submit to the Environmental Health Bureau for review and approval a descriptive plan on how recyclables will be collected from common areas and consolidated prior to removal off site.

<i>Comments By Staff</i>	<i>Last Update on:</i>	<i>Updated By:</i>
<i>APPLICANT, WESLEY VAN CAMP, SUBMITTED A RECYCLING COLLECTION AND CONSOLIDATION PLAN TO EHB ON AUGUST 13, 2015. THE PLAN HAS BEEN REVIEWED AND ACCEPTED BY GABRIELA CARBAJAL OF EHB'S RECYCLING RECOVERY AND RESOURCE SERVICES, ALSO ON AUGUST 13, 2015. CONDITION CLEARED BY NICKI FOWLER, EHB, ON AUGUST 25, 2015.</i>	<i>9/2/2015 12:53:12PM</i>	<i>SCHUBERTBJ</i>

**36. EHSP03 – CALIFORNIA RETAIL FOOD CODE (NON-STANDARD)**

**Current Status:** Met

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The proposed project includes a market that will constitute a food facility. All related improvements shall comply with the California Health and Safety Code, Division 104, Part 7, California Retail Food Code. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits for the market, the applicant shall submit an application for Plan Check with three (3) sets of plans and applicable fees to Consumer Health Protection Services of the Environmental Health Bureau for review and approval.

<i>Comments By Staff</i>	<i>Last Update on:</i>	<i>Updated By:</i>
<i>3/28/2016 - A FOOD FACILITY APPLICATION HAS BEEN MADE BY THE APPLICANT (EHB FACILITY NO. FA0826991 AND GENERAL PROGRAM NO. PR0634839) AND PLAN CHECK OF THE CONVENIENCE STORE HAS BEEN COMPLETED BY RANDY McMURRAY OF EHB. CONDITION CLEARED BY NICKI FOWLER OF EHB.</i>	<i>4/1/2016 5:07:15PM</i>	<i>FOWLERNE</i>

Condition Compliance Status Report for PLN150371

37. PDSP07 - MAXIMUM NUMBER OF TENANTS WITH VEHICLES

Current Status: Met
Responsible Department: Planning Department
Condition/Mitigation Monitoring Measure: Mitigation Measure 16.1 - Tanimura and Antle and their assigns shall not allow more than 200 vehicles associated with residents who live in the facility.
Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permits, the General Development Plan shall be modified to reflect that there shall not be more than 200 vehicles associated with residents who live in the facility.

Comments By Staff Last Update on: Updated By:
Applicant submitted revised GDP with this language. 9/2/2015 12:53:12PM SCHUBERTBJ

38. TRANSPORTATION TO AND FROM WORKSITES

Current Status: On-Going
Responsible Department: Planning Department
Condition/Mitigation Monitoring Measure: Tanimura and Antle and their assigns shall insure that all residents ride the company buses to and from worksites.
Compliance or Monitoring Action to be Performed: Prior to the issuance of construction permits, the General Development Plan shall be modified to reflect that all residents shall ride the company buses to and from work.

Comments By Staff Last Update on: Updated By:
9/2/2015 12:53:12PM SCHUBERTBJ

39. REPORT ONE YEAR AFTER OCCUPANCY

Current Status: On-Going
Responsible Department: Planning Department
Condition/Mitigation Monitoring Measure: The project is approved as proposed with the requirement that a report be prepared by the RMA Planning Department with information from the Monterey Regional Fire Protection District, Spreckels CSD and the Monterey County Sherriff to identify any concerns raised during the initial year of occupancy.
Compliance or Monitoring Action to be Performed: RMA-Planning to submit report to Board of Supervisors within 16 months of initial occupancy.

Comments By Staff Last Update on: Updated By:
9/2/2015 3:45:17PM SCHUBERTBJ

Condition Compliance Status Report for PLN150371



# Monterey County Resource Management Agency Planning Department

## Condition Compliance Status Report for PLN100462

(as of 11/18/2016)

### 1. PD001 - SPECIFIC USES ONLY

**Current Status:** On-Going

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

This is a Combined Development Permit consisting of: 1) Coastal Development Permit and Design Approval to allow specific improvements along the Highway 1 corridor authorized by Emergency Coastal Development Permit (PLN100336) to remain as permanent installations. Improvements include: an approximately 825 foot long and 45 foot high retaining wall, the reconstruction of a consistent 4-foot shoulder, the reconstruction of a consistent 12 foot lane in each direction, the construction of a 4-foot catchment basin abutting the toe of the inland slope, the construction of tapering transitions to match new lane and shoulder widths on the northern and southern portions of the project area, the placement of "open-style" bridge railing (Type 80 concrete vehicle guard railing) on top of the retaining wall (with bicycle railing attached on top of the bridge railing), approximately 30,000 cubic yards of fill, and the construction of an 8-foot wide bench in front of the wall; 2) a Coastal Development Permit to allow development on slopes exceeding 30 percent; 3) a Coastal Development Permit to allow development within 100 feet of ESHA; and 4) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed and was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. It is located at Highway 1 Right-of-Way and 62480 Highway 1, south of Lucia between post-miles 22.5 and 22.9 (Assessor's Parcel Numbers 000-000-000 (primary), 422-011-014-000, and 422-011-015-000), in the Big Sur Coast Land Use Plan. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.  
(RMA - Planning Department)

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

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

**Comments By Staff**

**Last Update on:**

**Updated By:**

8/24/2015 2:04:47PM

FRIEDRICHM

Condition Compliance Status Report for PLN100462

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN100462 - Resolution Number 15-046) was approved by the Zoning Administrator for Assessor's Parcel Numbers 000-000-000, 422-011-014-000 and 422-011-015-000, on July 30, 2015.

"The permit was granted subject to 4 conditions of approval which run with the land" and "A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.  
(RMA - Planning Department)

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

Comments By Staff

Last Update on:

Updated By:

10/23/2015: Mailed to Caltrans representative, Michael Thomas, per his instructions (Monique Kakimoto)

10/23/2015 11:50:57AM

KAKIMOTOM

10/7/2015: Prepared and kept on file until Indemnification Agreement returns from County Counsel review (Monique Kakimoto)

Condition Compliance Status Report for PLN100462

3. PD004 - INDEMNIFICATION AGREEMENT

Current Status: **Not Met**

Responsible Department: Planning Department

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 obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the 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)

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

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

Comments By Staff

Last Update on:

Updated By:

10/23/2015: Mailed to Caltrans representative, Michael Thomas, per his instructions (Monique Kakimoto)

10/23/2015 11:51:39AM

KAKIMOTOM

10/7/2015: Prepared and forwarded to County Counsel for review (Monique Kakimoto)

Condition Compliance Status Report for PLN100462

4. SPPD001 LANDSCAPING/REVEGETATION PROGRAM (NONSTANDARD)

**Current Status:** Not Met

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall implement a Minor B program for maintenance staff to plant what is called passive regeneration. It entails hydro seeding with coastal scrub for a period of 2 to 3 years. As the slide continues to move, they will be monitoring it and deciding what types of native plants are providing the best landscaping for that area. (RMA Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to issuance, the applicant shall submit the Minor B program details to the RMA Planning Department.

Each and every year for three years, the applicant shall submit evidence in the form of photos and/or schedules, that any necessary hydro seeding was done to stop any slide activity.

**Comments By Staff**

**Last Update on:**

**Updated By:**

7/17/2015 2:44:07PM

GONZALESE