

Exhibit E

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 95-574 Resolution)
by the Monterey County Board of Supervisors)-
making corrections to Resolution No. 95-415)
approving the Bishop Ranch Subdivision)
adopted by the Board on September 12, 1995.)

WHEREAS, the application for approval of the Bishop Ranch Subdivision (PC7704) was presented to and considered by the Monterey County Board of Supervisors at a public hearing on September 12, 1995, and

WHEREAS, the application for approval of the Bishop Ranch Subdivision (PC7704) consisted of requests for amendments to the Greater Monterey Peninsula Area Plan, zoning reclassifications, requests for waiver of the policy prohibiting development on slopes in excess of 30%, standard subdivision vesting tentative map approval, a use permit for a golf course, a use permit for expansion of a wastewater treatment plant, and design approval, and

WHEREAS, in its action at the September 12, 1995 hearing the Board of Supervisors unanimously approved and adopted Resolution No. 95-415 to Certify Final Environmental Impact Report and Adoption of the Findings, Evidence and Conditions for a Combined Development Permit for the Bishop Ranch Subdivision, and

WHEREAS, the Resolution No. 95-415 require certain corrections to be consistent with
the action taken by the Board of Supervisors,

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Monterey, State of California, hereby orders as follows:

1. That the Resolution No. 95-415 adopted September 12, 1995, is corrected as set forth in Attachment "A" attached hereto.

PASSED AND ADOPTED this 5th day of December, 1995, upon motion of Supervisor Johnsen, seconded by Supervisor Salinas, and carried by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook, Perkins, Johnsen and Karas.

NOES: None.

ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page ___ of Minute Book 68, on December 5, 1995
Dated: December 5, 1995

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors, County of Monterey,
State of California.

By

Nancy Lukensbill

Deputy

ATTACHMENT "A"

Before the Board of Supervisors in and for the
County of Monterey, State of California

The Board of Supervisors of Monterey County Resolves as follows:

Resolution No. 95-415 --)
 Resolution by the Monterey County)
 Board Supervisors to: Certify final)
 Environmental Impact Report and)
 Adoption of the Findings, Evidence)
 and conditions for a Combined)
 Development Permit consisting of: 1))
 a Resolution intention to Amend the)
 Greater Monterey Peninsula Area)
 Plan; 2) Reclassification; 3))
 Request for waiver of policy)
 prohibiting development on slopes in)
 excess of 30%; 4) Standard)
 Subdivision Vesting Tentative Map to)
 allow division of a 564.7 acre)
 parcel into 254 parcels consisting)
 of 160 single parcels averaging 2.19)
 acres in size, 8.25 acres consisting)
 of 38 low and moderate housing)
 units, 17.13 acre parcels consisting)
 of 55 unit townhouse developments)
 and 179 acres for an 18 hole golf)
 course; 5) Use Permit for golf)
 course; 6) Use permit for expansion)
 of wastewater treatment plant; 7))
 and Design Approval for Bishop Ranch)
 Subdivision (APN# 173-071--)
 053-000/173-071-044-000/173-071-045)
 -000) Laguna Seca area (PC 7704))

That the Combined Development Permit (PC7704) consisting of Certification of an Environmental Impact Report, Greater Monterey Peninsula Area Plan Amendments (Attachment B), a Zoning Reclassification, Use Permit for waiver of policy prohibiting development on slopes in excess of 30%, Standard Subdivision Vesting Tentative Map, Use Permit for Golf Course, Use permit for Expansion of Wastewater Treatment Plant and Design Approval for the property known as Bishop Ranch Subdivision (PC7704), is approved subject to the following findings and evidence and subject to the following conditions:

I. FINDINGS AND EVIDENCE FOR THE CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BISHOP RANCH PROJECT

1. FINDING: On January 23, 1991, a Development Project Application was filed for the Bishop Ranch

Subdivision, including applications for general plan amendments, rezoning, combined development permit, vesting tentative map and use permits. An initial study was prepared for the proposed project and an environmental determination was made to require an Environmental Impact Report (EIR). The decision to prepare this EIR was based upon potentially significant impacts found in the initial study, which included the following: potential geologic instability and change, erosion, potential for change in quality of surface and ground water, increased runoff, vegetation removal, potential impacts to existing vegetation, rare or endangered species, visual impacts, noise, traffic, impacts to air quality and water supply, sewage disposal, impacts to public services such as school facilities, emergency access, and potential for cumulative effects. A Notice of Preparation of the EIR was sent to all organizations and individuals requesting notice and was sent to state, federal and local agencies, including each responsible and trustee agency. Responses to the Notice of Preparation are set forth in the EIR in Attachment C. On November 5, 1991, a contract was executed by Monterey County and EMC Planning Group, Inc. (consultant) to prepare an Environmental Impact Report (EIR # 91-05) for the Bishop Ranch Subdivision project. Prior to completing the draft EIR, the consultant contacted the interested agencies, individuals, and jurisdictions to secure their input pursuant to CEQA Guidelines Section 15083. The County independently reviewed the EIR prepared under contract pursuant to CEQA Guidelines section 15084(e). Pursuant to CEQA Guidelines Section 15085, a Notice of Completion was filed with the State Office of Planning and Research on June 24, 1994, briefly describing the project and its location and indicating that the draft EIR was available, where it was available and how long it was available for review. Public notice of the availability of the draft EIR was provided by mailing notice to the applicant, mailing to property owners within 300 feet of the project site, posting on-site in at least 5 locations and by publication in the Monterey County Herald. Copies of the EIR were also distributed to organizations and individuals who requested such notice, responsible and trustee agencies and applicable state and federal agencies. Copies of the draft EIR were also provided to local libraries. The County staff reviewed the comments submitted in response to the draft EIR.

EVIDENCE: Materials contained in Monterey County Planning & Building Inspection Department file PC 7704 and EIR file no. 91-05.

2. FINDING: In 1995 the County completed the final EIR, as required by CEQA Guidelines Section 15089, consisting of: a) The draft EIR circulated in June 1994; b) Comments and recommendations received on the draft EIR, which are included verbatim in the final EIR beginning on page i; c) The identities of persons, organizations and public agencies commenting on the draft EIR; d) The response to comments as set forth beginning on page i of the final EIR; and e) other information added by the County. The final EIR focuses on the project's potentially significant effects on the environment. The scope of the discussion of the potentially significant effects is in proportion to their severity and probability of occurrence. The significant effects on which the EIR focuses are: geology, seismic safety, soils, hydrology, biotic resources, viewshed/aesthetics, traffic, air quality, erosion and drainage, fire hazard, noise, water service, wastewater disposal, public services (i.e., fire and police protection, schools and solid waste), energy conservation, land use, unavoidable adverse impacts, growth inducement, and cumulative effects. The Final EIR is consistent with Sections 15120-15132 of CEQA Guidelines relative to the contents of the EIR including, but not limited to, a table of contents, summary, the project description, environmental setting, a discussion of environmental impacts, mitigation measures, unavoidable adverse impacts, project alternatives, effects found not to be significant, cumulative effects and areas of controversy. The EIR meets the requirements of CEQA Section 15151 in providing a sufficient level of detail to enable the decision-makers to reach a reasoned conclusion about the environmental effects of the project. The EIR process for the Bishop Ranch project included proper public participation and adequate time for review and comment.

EVIDENCE: Planning file PC 7704 and EIR file no. 91-05.

EVIDENCE: Section 15120-15132 and 15151 of CEQA Guidelines relative to the contents of an EIR.

3. FINDING: The EIR process for the Bishop Ranch project included proper public participation and adequate time for review and comment.

EVIDENCE: The EIR was available for a 45-day public review and comment period from June 24, 1994 through

August 8, 1994, as posted and legally advertised. An extension for submittal of comments was granted. (See EIR file no. 91-05)

4. FINDING: Notice of the public hearing on June 28, 1995, at which time the Planning Commission considered the Final EIR was given by mail to the Applicant; published in a newspaper of general publication in the affected area; mailed to contiguous property owners within 300 feet and others who requested notice; posted on site at least three different locations.

EVIDENCE: Planning file PC 7704 and EIR file 91-05.

5. FINDING: The Planning Commission found that the EIR (#91-05) for the Bishop Ranch Combined Development Permit (PC 7704) has been completed in compliance with CEQA and recommended certification of the EIR. The final EIR was presented to the Subdivision Committee and the Planning Commission and was used to review and consider the Bishop Ranch project and its environmental aspects as required by CEQA Section 15091.

EVIDENCE: Standard Subdivision Committee Resolution No 95026; discussion of the Planning Commission as found on tapes of the June 28, 1995 and July 12, 1995, public hearing and findings numbers 1-4 above.

6. FINDING: The Board of Supervisors finds as set forth in the attached CEQA certification and findings for the Bishop Ranch Project (Attachment A) and incorporated by reference in these findings.

EVIDENCE: Planning file PC 7704 and EIR file 91-05.

II. FINDINGS AND EVIDENCE FOR THE GENERAL PLAN AMENDMENT

7. FINDING: The proposed amendment will not have a significant effect on the environment.

EVIDENCE: The EIR prepared for this project did not identify any inconsistencies with the policies of the Monterey County General Plan and the Greater Monterey Peninsula Area Plan. The proposed project would change the existing land use designation on the 564.7 acre parcel from "Low Density Residential, 2.5 acres per unit," "Rural Density Residential 10 acres minimum," "Public/Quasi-Public," "Commercial" to "Medium Density Residential 5-1 units/acre," "Low Density Residential 1-5 acres/unit," "Resource Conservation, 10 acre minimum" and "Public/Quasi-public." The EIR determined that the

change of the land use designations would not intensify the land use any more than the historical land use designation that included 150 residential units, 150 room hotel and commercial development.

8. FINDING: Public notice for this General Plan Amendment was: 1) sent to all organizations and individuals who requested notice; 2) published in the Monterey Herald; 3) posted in the project area; 4) mailed to contiguous property owners within 300 feet.

EVIDENCE: File PC 7704

9. FINDING: The plan amendment maintains the General Plan of the County of Monterey and the Greater Monterey Peninsula Area Plan as compatible, integrated and internally consistent.

EVIDENCE: All policies of the Monterey County General Plan and the Greater Monterey Peninsula Area Plan have been reviewed by Planning staff for consistency. Finding no. 13 and 14 below includes a complete analysis.

III. FINDINGS AND EVIDENCE FOR THE PROPOSED ZONING RECLASSIFICATION

10. FINDING: The zoning reclassification will not have a significant effect on the environment.

EVIDENCE: Mitigations included in the EIR to reduce potentially significant impacts are incorporated as conditions of approval. In addition, condition no. 126 and 127 requires overlay "VS" (Visual Sensitivity), "D" (Design) and "B-6" (Building Sites) zoning designations on certain lots which are visually sensitive, to mitigate potential visual impacts, and to prohibit further subdivision of the site.

11. FINDING: The zoning reclassification are consistent with policies of the Monterey County General Plan and the Greater Monterey Peninsula Area Plan.

EVIDENCE: The following zoning reclassification are proposed: 1) "LDR/B-6-D," "LDR/B-6-V-S" and "LDR/B-6-V-S(16') (Low Density Residential) on the residential parcels; 2) "MDR/B-6-D" (Medium Density Residential) for the moderate income housing units and the structured housing units; 3) "RC/B-6-D" (Resource Conservation) for the open space parcels; 4) "PQP-D" for the golf course, the clubhouse, and utility parcels that include a water reservoirs, sewage treatment plant and a golf maintenance area, as shown on the proposed zoning maps. Conditions 124 and 125 require overlay "VS" (Visual Sensitivity), and/or height limitations zoning

designations on certain lots which are visually sensitive, to mitigate potential visual impacts. These zoning designations are consistent with the land use plan designation proposed and discussed in findings no. 13 and 14 below.

IV. FINDINGS AND EVIDENCE FOR APPROVAL OF THE VESTING TENTATIVE MAP

12. FINDING: The project originally proposed called for 257 residential units consisting of 164 single family lots, 55 structured residential units and 38 moderate income housing units. The Environmental Impact Report prepared for the proposed project identified "Alternative Redesign A" consisting of 253 units which eliminates ridgeline development by eliminating four lots and adjusting the lot design in certain areas to relocate four other lots within the development, and modifying certain aspects of the golf course. Further minor refinements to "Alternative Redesign A" have been proposed by the applicant or made in consultation with staff. These include adjustment of the lot lines of three lots in response to concerns regarding their proximity to the Laguna Seca Recreation Area Firing Range, the relocation of additional lots to reduce the potential for ridgeline development on 2 single family lots and 3 structured housing units on Parcel B, and modification of the entry landscape treatment to further maintain views of the east valley. The project applicant is willing to implement "Alternative Redesign A" with the changes noted. "Alternative Redesign A" with the changes noted is referred to in these findings as "the project." In addition, conditions of project approval have been imposed to further modify the project. As concluded in the EIR, "Alternative Redesign A" with the changes noted and as conditioned has less potential significant environmental impacts than those identified in the EIR for the proposed project, since the visual impacts related to ridgeline are eliminated. The mitigation measures identified in the EIR for the proposed project and the conditions of project approval are equally applicable to mitigate the potential significant impacts of the project to the same extent that they would mitigate the potential impacts of the proposed project.

EVIDENCE: EIR file number 91-05 and plans and materials in file PC 7704. Comment letter from Gary Tavernetti dated August 8, 1994.

13. FINDING: The Bishop Ranch vesting tentative subdivision map is consistent with applicable policies of the Monterey County General Plan, including the following: 1.1.2; 3.2.2; 5.1.2; 6.1.1; 7.1.1; 9.1.1; 12.1.3; 13.3.1; 13.3.3; 17.3.5; 17.3.6; 17.3.7; 17.3.9; 17.3.12; 17.3.13; 17.3.14; 17.4.1; 17.4.12; 21.2.3; 21.3.5; 22.2.1; 26.1.9; 26.1.10; 26.1.11; 26.1.20; 27.1.2; 27.2.1; 27.2.2; 27.3.2; 34.1.1; 37.2.1; 39.1.2; 39.1.4; 39.2.1; 40.2.1; 53.1.4; 58.1.4.

EVIDENCE: The following is an analysis of the proposed project's consistency with policies of the Monterey County General Plan:

- 1.1.2 (Open Space Conservation): The project includes the designation of approximately 184 acres as open space to be placed in scenic easements and 179 acres as open space golf course. This designation is consistent with this policy because it will preserve physical and natural features which contribute to Monterey County's natural beauty.
- 3.2.2 (Geology, Minerals, and Soils): The proposed project includes approximately 1,250 lineal feet of roads and portions of the golf course on slopes in excess of 30 percent. Proposed conditions of project approval include methods to alleviate erosion caused by construction including site planning techniques, grading techniques, landscaping and revegetation techniques, and drainage improvements.
- 5.1.2 (Water Resources): Storm water drainage will be directed to on-site detention basins that will percolate to the groundwater table. This will assist in the recharge of the groundwater basin. No storm water is proposed to leave the project site at rates greater than pre-project runoff rates.
- 6.1.1 (Water Resources): The long-term water availability report prepared by Staal Gardner & Dunne Inc. projects that water is available to serve the proposed project with a surplus of 160.5 acre feet per year in the groundwater basin that serves the project site. Low-flow water fixtures are required in all new structures by the Monterey County Water Resources Agency and the MPWMD. The regulations also require the application of xeriscape principles throughout the exterior landscape of new development. The proposed

project is subject to these requirements and has incorporated low-flow fixtures and xeriscape techniques into the proposed project.

7.1.1 (Vegetation and Wildlife Habitats): The proposed project's landscape objectives include maintaining and protecting, as much as possible, the existing oak trees and chaparral; repairing the existing landscape where disturbed due to grading or construction; and providing habitat for birds and other indigenous wildlife by maintaining natural plantings and natural drainage ways. The forest management plan for the proposed project indicates that approximately 184 oak trees will be removed during development of the proposed project. Proposed conditions of project approval require that the project proponent plant five-gallon size coast live oaks spaced 20 feet apart or farther on a two-to-one basis as replacements for those removed. Based upon the botanical and ecological survey recommendations, the project proponent relocated a portion of the proposed moderate-income housing units to a less biologically sensitive area. The project proponent has redesigned the project twice to reduce the adverse impacts to the central maritime chaparral. For purposes of policy consistency analysis, the project design complies with the policy. Approximately 40 acres of the 172 acres of central maritime chaparral on the site would be disturbed for eventual development.

9.1.1 (Wildlife Habitats): The proposed project includes the designation of 184 acres of undeveloped open space and 179 acres of golf course, which will include the creation of several ponds. In total, approximately 371 acres of "open space" will be available on the 564.7 acre project site for wildlife habitat.

12.1.3 (Archaeological Resources): An archaeological field inspection and subsequent report was prepared for the project site. During the preliminary field reconnaissance, evidence of a prehistoric archaeological site was revealed. Proposed conditions of project approval include the designation of an archaeological easement surrounding the bedrock mortars at Locus A, additional excavation of the midden area associated with this bedrock mortar, and the presence of a qualified archaeological monitor during initial clearing, grading, trenching, or

other earth moving activities in the area of Locus B.

- 13.3.1 (Energy Resources): The project site faces predominantly south. The proposed project siting allows structural orientation to take maximum advantage of solar heating and cooling.
- 13.3.3 (Energy Resources): Because of the low automobile traffic volume within the proposed project, as well as the topographic constraints of the project site, bicycle and pedestrian movement will occur primarily within the paved surfaces of the streets. A separate bicycle and pedestrian path from the clubhouse along Bishop Ranch Road to the project entrance at Highway 68 is proposed by the applicant. In addition, pedestrian trails have been provided to access outstanding scenic overlooks and site vistas. Also, the golf course path system is proposed to be available to the homeowners after hours for jogging and leisure walks. The Monterey-Salinas Transit service is available to and from both Salinas and Monterey on Highway 68. Bus stop facilities are located on both the north and south sides of Highway 68 at the intersection of Highway 68 and Bit Road, approximately 600 feet west of the project site entrance. These bus stop facilities will be relocated in connection with the project. Proposed conditions of project approval include the realignment of Boots Road with the proposed project entry at Highway 68 to create a four-way, signalized intersection; the relocation of transit stops at Highway 68 and Bit Road to the proposed intersection of Highway 68 with Boots Road and the project entrance; and improvements to the transit stop which include pedestrian benches and shelters.
- 17.3.5 (Fire Hazards): In general, the proposed project must comply with current Uniform Building Code (U.B.C.) and Uniform Fire Code (U.F.C.) and local ordinances prior to project approval. The Salinas Rural Fire District (SRFD) has made recommendations to address all fire hazards which have been included as conditions of project approval, which shall meet the requirements of the SRFD.
- 17.3.6 (Fire Hazards) : The project site lies within the boundaries of the SRFD and is serviced by Station Number 3. The station is located approximately

one mile from the project site at the intersection of Los Laureles Grade and Highway 68 and within the 15 minute response time.

- 17.3.7 (Fire Hazards): The proposed project includes an internal circulation system consisting of a series of curving streets and cul-de-sacs. Subdivision roads are proposed to be graded at 15 percent or less; some segments of emergency only access roads are proposed to be graded at higher than 15 percent, which is permissible with approval of SRFD.
- 17.3.9 (Fire Hazards): The proposed project must comply with current U.B.C. and U.F.C. codes and local ordinances prior to project approval. The SRFD has sent a letter to the lead agency indicating all fire hazard issues are satisfied, with appropriate conditions.
- 17.3.12 (Fire Hazards): The project site is located within the Canyon Del Rey watershed and drains to the Canyon Del Rey Creek. Proposed conditions of project approval require that drainage plans conform to current engineering practices and include erosion control measures.
- 17.3.13 (Fire Hazards): All access road are included in the common areas. To ensure the fire department's safe and expedient passage at all times, maintenance of the common areas will be the responsibility of the homeowner's association. Maintenance of driveways located on single-family lots will be the responsibility of the individual homeowner.
- 17.3.14 (Fire Hazards): The project proposes an emergency fire access road near the northern boundary of the project site, somewhat paralleling the Fort Ord Military Reservation boundary. A condition of project approval requires the addition of two gates, with a minimum width of 12 feet, where the access road meets Manzanita Lane at the northwestern corner of the project site and where the access road meets Bishop Ranch Road at the northeastern corner of the project site.
- 17.4.1 (Fire Hazards): The proposed project includes 253 residential units and the designation of a site for a clubhouse, and is located in high and moderate fire hazard areas. Proposed conditions of project approval include incorporating

recommendations by the Salinas Rural Fire District into the proposed project design prior to obtaining a building permit.

- 17.4.12 (Fire Hazards): The applicant has developed a fuel modification plan for the entire development which has been approved by Salinas Rural Fire District. A Final fuel modification plan with fuel modification zones is required as a condition of project approval.
- 21.2.3 (Air and Water Quality): The proposed project includes two areas of moderate income housing developments. Each area includes more than 20 parking spaces. In addition, the proposed clubhouse site will most likely include more than 20 parking spaces. Proposed conditions of project approval include to oil, grease, and silt traps for the proposed project.
- 21.3.5 (Air and Water Quality): The proposed project includes the expansion of the existing wastewater treatment facility on the project site which is not located in an environmentally sensitive habitat area.
- 22.2.1 (Noise Hazards): This policy establishes noise parameters for various land uses. The EIR indicates there are no significant noise impacts at the project site from nearby noise generating activities. Specifically, noise levels at the project site conform to the parameters in Table 6 for the land uses.
- 26.1.9 (General Land Use): The project includes 253 residential units which, as conditioned, will be constructed below the ridgeline. In the original proposed project, approximately 19 single-family lots, and a portion of the structured housing in Parcel B, were identified in the EIR to result in or have the potential to result in ridgeline development. Height limits of structures, to be enforced through deed restrictions and zoning, will eliminate ridgeline development on some of these lots. Lots with ridgeline development which could not be mitigated through height restrictions or landscaping have been eliminated or relocated in Alternative Redesign A, as modified by conditions of project approval.
- 26.1.10 (General Land Use): Only the project's roads and

one golf course tee would have an impact to areas of 30 percent slope or greater. More specifically, 1,250 linear feet of proposed roadway would impact the areas with greater than 30 percent slope, which represents approximately 3 percent of the total roadway length proposed on the project (42,000 linear-feet). The primary purpose of cutting roadway across 30 percent slopes is to reduce development in the east valley. The roads are necessary for access to the flatter areas of the project site, where GMPAP policies dictate that development should be located. The plan specifically provides that structural development should, to the maximum extent possible, be kept off the visually sensitive east valley and other valleys of the project site, as well as away from ridgelines. In effect, development must be located in relatively flat areas of the site, above the valley floors, below the ridgelines and on terrain not exceeding 30 percent slope. The project proponent has met the spirit and the intent of this policy by locating structures out of the most sensitive areas. Furthermore, all the building lots are constructed on slopes less than 30 percent. To reach the areas with flatter terrain, short segments of roadway (approximately 1,250 linear feet) must cross the steeper slopes on the property. The overall design of the development maximizes the policies of the GMPAP by allowing short segments of roadway to cross areas with greater than 30 percent slope, instead of attempting to avoid any roadway crossing which would require concentrating development on the more sensitive portions of the site (e.g. the east valley). Therefore, the exception is deemed justified.

26.1.11 (General Land Use): The project includes 253 residential units consisting of 160 single family units, 55 structured housing units, 38 low and moderate income housing units, and one 18-hole golf course. The structured housing and the low and moderate income housing units are grouped in five clusters, and are consistent with the policy concerning clustering.

26.1.20 (General Land Use): The proposed project contains low- and medium-density residential development. Residences may create additional light and glare impacting neighboring development. Proposed conditions of project approval require the preparation of a lighting plan. The lighting plan

will include designing the exterior lighting to project light downward to reduce or eliminate glare to residents of the proposed project, neighboring residents, or air traffic.

- 27.1.2 (Residential): The site is suitable for level of development proposed, natural resources are adequately protected and public services and facilities can be adequately provided. With conditions of project approval the project is consistent with this policy.
- 27.2.1 (Residential): The proposed project contains low-and medium-density residential development. It does not contain high-density residential development. The project site is located on Highway 68, between the cities of Monterey and Salinas. Employment, shopping, and recreation opportunities are available in both the Cities of Monterey and Salinas, as well as the nearby Cities of Seaside, Del Rey Oaks, Sand City, Marina, Pacific Grove, and Carmel. In addition, the project site is located west of and adjacent to the Laguna Seca Recreation Area. The Monterey-Salinas Transit service is available to and from both Salinas and Monterey on Highway 68. Bus stop facilities are located on both the north and south sides of Highway 68 at the intersection of Highway 68 and Bit Road, approximately 600 feet west of the project site entrance. Bus stop facilities are not proposed on the project site. However, conditions of project approval require the project proponents to relocate the transit stops at Highway 68 and Bit Road to the proposed intersection of Highway 68 with Boots Road and the project entrance.
- 27.2.2 (Residential): All secondary roads and side-hill streets have been planned with a 60-foot right-of-way and common drives; the fire access road has been planned with a 30-foot right-of-way.
- 27.3.2 (Residential): The proposed project contains both residential development and 184 acres of open space, not including the golf course. The open space areas are located throughout the project site, both within and on the fringes of residential areas.
- 34.1.1 (Open Space): As discussed in the consistency analysis for policy 26.1.11, the proposed project includes five clusters of development. The

proposed project also includes 184 acres of open space. A condition of project approval requires that the project proponent dedicate the 184 acres of open space as permanent open space.

- 37.2.1 (Transportation): According to the standards of the 1994 Monterey County Congestion Management Plan, the proposed project will not change the level of service on Highway 68 to a level of service below acceptable. The proposed project includes realigning Boots Road, beginning at the intersection of Boots Road and Spur Road, to intersect with the proposed Bishop Ranch Road at the entrance to the project on Highway 68. Signals will be installed at the new intersection, serving both Boots Road and the proposed project entry. The project proponent is proposing to pay for this improvement as a part of the proposed project and is working with the landowners on the south side of Highway 68, whose property would be affected by the proposed realignment. But see discussion in Additional Responses and Information on Final EIR.
- 39.1.2 (Transportation): The interior circulation system will be private and will be maintained by the homeowner's association.
- 39.1.4 (Transportation): See the consistency discussion for policy 37.2.1.
- 39.2.1 (Transportation): The interior circulation system, which will be private and maintained by the homeowner's association, will be designed, developed, and maintained according to adopted county standards.
- 40.2.1 (Scenic Highways): The proposed project is located on Highway 68 which is designated as a scenic corridor. All on-site utilities will be placed underground with the exception of some facilities as discussed in Section 2.9.6 of the project EIR. Proposed conditions of project approval require landscaping buffers to reduce the visual impacts from the above ground facilities. Architectural and landscape controls, including encouragement of area native plants, will be required as a condition of project approval.
- 53.1.4 (Water Service): Water service will be provided to the project by Bishop Water Company, a public utility, which currently serves the project site

and neighboring development to the west. Golf course irrigation water may be provided as feasible by reclaimed water and golf course wells.

58.1.4 (Housing): The project includes 253 housing units, of which 15 percent (37.95 units) are required to be inclusionary. The project contains 38 inclusionary housing units, of which no less than 30% shall be provided for low income housing units.

14. FINDING: The Bishop Ranch Monterey County vesting tentative map for the project is consistent with the applicable policies of the Greater Monterey Peninsula Area Plan including the following: 3.2.4.1; 7.1.4; 7.2.3; 9.1.1.1; 15.1.11.1; 17.3.1.1; 17.3.1.2; 17.3.1.3; 17.4.1.1; 17.4.13; 22.2.1.1; 40.2.9; 53.1.3.1; 62.1.14, and with the proposed amendments thereto.

EVIDENCE: The following is an analysis of the project's consistency with policies of the Greater Monterey Peninsula Area Plan:

3.2.4.1 (Geology, Minerals and Soils): The project site encompasses 565 acres of moderately to gently inclined slopes with steeply incised drainage. The majority of the project site- 349 acres- have slopes less than 20 percent; 114 acres have slopes between 20 and 30 percent; and 102 acres have slopes over 30 percent. Using the formula in policy 3.2.4.1, the maximum residential density allowed on the project site would be 406 units (349 + 57 + 0). The proposed project includes the development of 253 residential units.

7.1.4 (Vegetation and Wildlife Habitats): The project site includes the construction of roads in chaparral habitat (central maritime chaparral) on land exceeding 30 percent slopes. The project proponent has requested a use permit from the county to construct roads on slopes in excess of 30 percent. A small portion of roads (one-acre) and golf course (.67 acres) occur in chaparral habitat on slopes exceeding 30 percent. Based on the EIR mitigations, all exposed soils, including cut banks, shall undergo restoration using vegetation and grading techniques that will result in no long term soils exposure.

7.2.3 (Vegetation and Wildlife Habitats): The project proponent has proposed a landscape and open space concept which includes repairing the existing

landscape where disturbed due to construction; augmenting the existing landscape where needed to properly blend development into the site; and utilizing plant species which are appropriate for the climatic and soils conditions specific to this site and which will blend appropriately with the existing indigenous plant materials. Design and landscape controls are required through conditions of project approval.

- 9.1.1.1 (Vegetation and Wildlife Habitats): The proposed project includes 184 acres of open space (not including the golf course) designated as Resource Conservation. This open space consists of the following types of habitats: central maritime chaparral; coastal live oak woodland; central coast scrub; and non-native grassland. Open Space areas identified by the project proponent give special attention to ecologically important zones, such as slopes in excess of 30 percent, as well as the more sensitive central maritime chaparral and coastal live oak woodland. A condition of project approval requires that the project proponent dedicate the 184 acres of open space as permanent open space.
- 15.1.11.1 (Seismic and Other Geologic Hazards): A geological report was prepared for the proposed project. The recommendations of the geologic report are required to be followed as proposed conditions of project approval.
- 17.3.1.1 (Fire Hazards): The project must comply with all current U.B.C. and U.F.C. codes and local ordinances prior to project approval. The Salinas Rural Fire District has sent a letter to the lead agency indicating all fire hazard issues are satisfied, with appropriate conditions.
- 17.3.1.2 (Fire Hazards): The proposed project proposes secondary emergency access to and from the project site to the north, connecting to Fort Ord property. However, this emergency secondary access has not yet been approved by the Department of the Army. The proposed project must comply with all current U.B.C. and U.F.C. codes and local ordinances prior to project approval. The SRFD has sent a letter to the lead agency indicating all fire hazard issues are satisfied, with appropriate conditions. In the event that secondary emergency access is not provided, County Planning Department and the SRFD will agree on

alternative appropriate safety mitigations.

- 17.3.1.3 (Fire Hazards): According to the GMPAP, the majority of the project site is located in a "moderate" fire hazard area. However, per the GMPAP, portions of the project site are located within "high" fire hazard areas. The high fire hazard areas typically correlate with the steepest areas on the property. The Fort Ord Property, located immediately adjacent to, and north of the project site, is located in an extreme fire hazard area. The moderate-income units and several single-family lots are proposed at the northern border of the project site, adjacent to the Fort Ord Proper. The moderate-income units and the structured housing units will be constructed by the project proponent. The construction of these units must comply with all current U.B.C. and U.F.C. codes and local ordinances prior to project approval. The subsequent construction of the single-family lots by the individual owners lots must also comply with all current U.B.C. and U.F.C. codes and local ordinances prior to construction of the homes. The SRFD has submitted a letter indicating that the fire issues have been satisfied (letter dated 2/22/95), with appropriate conditions and that automatic fire sprinklers will be required to be installed in all residences.
- 17.4.1.1 (Fire Hazards): As discussed in the consistency analysis for policy 26.1.11 of the Monterey County General Plan, the proposed project does include residential clusters. A fuel modification plan is included as part of the proposed project's comprehensive landscape master plan. The master plan includes fuel modification zones as required by conditions of project approval.
- 17.4.13 (Fire Hazards): The applicant's Landscape Master Plan and Guidelines provide for permanent maintenance of fuel modification zones by the home owner's association under the direction of the SRFD. A condition of project approval requires the proposed project comply with all recommendations of the SRFD. The SRFD has stated in writing that the applicant's plan complies with its recommendations (letter dated 2/22/95).
- 22.2.1.1 (Noise Hazards): The proposed project is located west of and just outside the Monterey Peninsula Airport area of influence. The recent noise study concludes there are no significant noise impacts

associated with any noise source at Laguna Seca Recreation Area or the Monterey Peninsula Airport.

40.2.9 (Transportation): The proposed project is partially located within an area designated visually "sensitive" on scenic Highway 68. The proposed project was designed to "blend" into the natural landscape. All development is setback no less than 100 feet from the scenic route right-of-way. Proposed conditions of project approval require using appropriate siting, design, materials and landscaping; proper grading techniques and revegetation to prevent permanent scarring; and a forest management plan to reduce tree removal. The proposed project is subject to architectural and design review by the county.

53.1.3.1 (Public Services and Facilities): The project proponent has submitted a long-term water availability assessment which indicates that the proposed project will not exceed the available water supply and maintains a surplus of 160.5 acre feet per year in the groundwater basin that serves the project site.

62.1.14 (Housing): See consistency discussion for policy 58.1.4 of the Monterey County General Plan.

15. FINDING: The site is physically suitable for the type of development proposed.

EVIDENCE: The geological reports show that the site terrain is acceptable. The maximum number of residential units allowed pursuant to the County's slope density formula is 406 units whereas the project proposes 253 units. The project site totals 565 acres. 349 acres have slopes less than 20 percent. 114 acres have slopes between 20 percent and 30 percent and 102 acres have slopes over 30 percent. Required grading and tree removal are minimized. Structural development has been minimized in visually sensitive valleys and on ridge lines. All building lots are on slopes less than 30 percent. Short segments of roadway must cross slopes steeper than 30 percent on the property. Soil conditions and other site characteristics are capable of accommodating the development without risk given proper engineering practices and proposed conditions of project approval.

EVIDENCE: Slope analysis map prepared by Bestor Engineers, Inc. which shows all slopes. EIR file 91-05 and plans and materials in file PC7704.

16. FINDING: The site is physically suitable for the proposed density of development.
- EVIDENCE: The project site encompasses 565 acres of moderately to gently inclined slopes with steeply incised drainage. The majority of the project site- 349 acres- have slopes less than 20 percent; 114 acres have slopes between 20 and 30 percent; and 102 acres have slopes over 30 percent. Using the formula in policy 3.2.4.1 of the Greater Monterey Peninsula Area Plan, the maximum residential density allowed on the project site would be 406 units (349 + 57 + 0). The proposed project includes the development of 253 residential units.
- EVIDENCE: Slope analysis map prepared by Bestor Engineers, Inc. which shows all slopes. EIR file 91-05 and plans and materials in file PC7704.
17. FINDING: The design of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- EVIDENCE: Based on the environmental information, the subdivision and its proposed improvements will not substantially and avoidably injure fish or wildlife or their habitat. In addition, significant areas of wildlife habitat will be preserved as open space. With the conditions of project approval, environmental damage will be avoided or substantially reduced so that no substantial environmental damage is likely to result.
18. FINDING: The design of the proposed subdivision and the type of proposed improvements are not likely to cause serious public health problems.
- EVIDENCE: The proposed expansion of the waste water treatment plant serving the proposed subdivision and proposed improvements to the Bishop Water Company distribution system will accommodate the sewage treatment and potable water needs of the proposed development. Proposed uses on the property will not create any hazards to health from air pollution, noise, or other environmental conditions. While the risk of migrating of landfill gases to the project site is low, Monterey Regional Waste Management District has agreed to monitor an adjacent closed landfill for migration of landfill gases.
19. FINDING: The design of the proposed subdivision and types

of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

EVIDENCE: No easements of record or easements established by judgment of a court of competent jurisdiction which grant the public at large a right of access to, or use of, property within the proposed subdivision exist. A scenic easement granted to the County of Monterey and recorded January 9, 1980 in reel 635 of official records, page 51, will not be affected by the proposed subdivision.

20. FINDING: The Vesting Tentative Subdivision Map has been processed according to the procedure and in the form established by the Subdivision Ordinance, County Code Title 19, Chapter 5 (Vesting Tentative Maps) sections 19.05.005 - 19.05.080.

EVIDENCE: Forms, applications, minutes, reports, public hearing notices, legal adds, maps, and charts contained in EIR file 91-05 and subdivision file number PC7704 indicate that the Bishop Ranch Monterey County Subdivision has been reviewed by the public during the EIR process and during the public hearings before the Subdivision Committee on May 25, 1995, the Planning Commission on June 28, 1995, and July 12, 1995, and the Board of Supervisors on September 12, 1995.

21. FINDING: The applicant is required to comply with provisions of Monterey County Inclusionary Housing Ordinance. The Board of Supervisors has considered low and moderate income inclusionary housing requirements and the housing needs of the County's residents and has balanced those housing needs of its residents and environmental resources.

EVIDENCE: Condition No. 136 requires the subdivider to comply with the provisions of the inclusionary housing ordinance.

22. FINDING: The proposed dwellings will not create a significant visual impact as viewed from a public viewing area.

EVIDENCE: Planning staff reviewed the project in the field following staking pursuant to County guidelines, and identified several sites that constituted ridgeline development. The project with the conditions of project approval has been revised to eliminate ridgeline development and reduce visual impacts of the project. The appearance can be

further reduced with the use of colors that blend with the natural landscape of the site. Further protection of visual resources will be accomplished by means of imposing zoning restrictions on certain residential lots.

23. FINDING: The proposed subdivision will increase the need in local and regional communities for neighborhood parks and recreational facilities.
- EVIDENCE: Under Monterey County Code Title 19, Subdivision Ordinance, section 19.02.010, Recreation Requirements, fees or dedications are required to mitigate the increased need for parks and recreational facilities created by the subdivision.
24. FINDING: Dedication of permanent open space and the construction of the golf course respond to the public need identified in the above Finding.
- EVIDENCE: As a condition of project approval, the applicant is required to dedicate 184 acres of permanent open space. In addition, the project included a proposal to build an 18-hole golf course.
25. FINDING: The project is consistent with Public Resources Code section 21081.6 which requires monitoring of conditions of permit approval.
- EVIDENCE: Public Resources Code section 21081.6 requires monitoring of changes to the project which have been adopted or made conditions of project approval in order to mitigate potentially significant adverse environmental effects identified in EIR 91-05. Certain conditions of project approval require county monitoring or reporting during project implementation. A mitigation monitoring program has been approved concurrently with the project-related approvals. Condition 150 requires a mitigation agreement to be approved by the Director of Planning and Building Inspection prior to recordation of the final map.
26. FINDING: The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in that the lot configurations on the project site permit the orientation of structures in an east west alignment for southern exposure and permit the orientation of structures to take advantage of prevailing breezes from the west. Consideration has been given to local climate, to contour to configuration of the parcel to be divided, and to

other design and improvement requirements.
EVIDENCE: Materials in file No. PC 7704 and EIR file No. 91-05.

27. FINDING: As conditioned, the discharge of waste from the project into the existing community sewer system will not result in a violation of requirements prescribed by the Regional Water Quality Control Board pursuant to Division 7 (commencing with section 13,000) of the Water Code.

EVIDENCE: Materials in file No. PC 7704 and EIR File No. 91-05.

28. FINDING: The tree removal requested by the applicant is the minimum required under the circumstances of the case and will not involve a risk of adverse environmental impacts.

EVIDENCE: Forest Management Plan and other materials in file No. PC 7704 an EIR File No. 91-05.

29. FINDING: The expansion of the water system facilities to serve the subdivision is consistent with the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the applicable zoning.

EVIDENCE: The water system is a permitted use in the applicable land use designations under the Greater Monterey Peninsula Area Plan and is specifically allowed on the project site under the plan. See also consistency analysis above, findings No. 13 and No. 14. Water distribution facilities are permitted in all zoning districts pursuant to Monterey County Code section 21.64.160.

30. FINDING: The establishment, maintenance, and operation of the expanded water system serving the subdivision, will not, under the circumstances, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.

EVIDENCE: Reports prepared 1988 and 1991 indicate that sufficient groundwater resources exist to meet both buildout demand for the water basin subarea and the demand created by the project. The project would require the expansion of an existing water system. The expansion of the water system facilities is subject to oversight and regulation by the California Department of Health Services and the Monterey Peninsula Water Management District, as well as the Public Utilities

Commission. In addition the proposed expansion of the water system will meet the requirements of the County and those of the Salinas Rural Fire District.

V. FINDINGS AND EVIDENCE FOR APPROVAL OF USE PERMIT FOR WAIVER OF THE POLICY PROHIBITING DEVELOPMENT ON SLOPES IN EXCESS OF 30 PERCENT

31. FINDING: The development on slopes greater than 30 percent is consistent with the Monterey County General Plan and the Greater Monterey Peninsula Area Plan.
EVIDENCE: Policy 26.1.10 of the Monterey County General Plan allows exceptions to the prohibition against development on slopes greater than 30% "for development which can maximize the goals, objectives and policies" of the Plan. As discussed above, the proposed development for slopes greater than 30% will maximize the goals, objectives, and policies of the plan with respect to visually sensitive areas of the proposed development.
32. FINDING: The portion of this application which would allow for development of slopes of 30 percent or more is appropriate since the design of the development as proposed better achieves and maximizes the goals, objectives, and policies of the Monterey County General Plan and the Greater Monterey Peninsula Plan.
EVIDENCE: Only 1,250 linear feet of proposed roadway would impact areas with greater than 30 percent slope. The primary purpose of cutting roadways across 30 percent slopes is to reduce development in the visually sensitive east valley and to minimize tree removal. The roadways are necessary for access to the flatter areas of the project site, where Greater Monterey Peninsula Area Plan policies dictate the development should be located. The plan policies specifically provide that structural development should, to the maximum extent possible, be kept off of the visually sensitive east valley and other valleys of the project site, as well as away from ridge lines. In effect, development must be located in relatively flat areas of the site, above the valley floor, below the ridge lines, and on terrain not exceeding 30 percent slope. All building lots are on slopes less than 30 percent.
33. FINDING: There are no feasible alternative locations on the subject property site which would allow for the

construction of the sections of the proposed roads on slopes under 30 percent.

EVIDENCE: Placement of roads is dictated by topography and the goal of minimizing development in visually sensitive valleys by placing structural development on flat areas only accessible by roads with segments across slopes in excess of 30 percent.

34. FINDING: The establishment, maintenance, or operation of the development proposed for slopes greater than 30%, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.

EVIDENCE: The geotechnical investigations prepared for the project indicates that the slopes greater than 30 percent slated for proposed development are suitable given proper engineering practices and the measures required as conditions of project approval.

VI. FINDINGS AND EVIDENCE FOR USE PERMIT FOR GOLF COURSE

35. FINDING: The proposed golf course is consistent with the Monterey County General Plan and the Greater Monterey Peninsula Area Plan.

EVIDENCE: The golf course is a permitted use in the Public/Quasi-Public land use designation under the Greater Monterey Peninsula Area Plan and is specifically allowed on the project site under the plan. See also consistency analysis above, findings No. 13 and No. 14.

36. FINDING: The zoning applied to the golf course is "Public/Quasi-Public" ("PQP"). The proposed golf course is consistent with the "PQP" zoning district.

EVIDENCE: Golf courses are an allowed use with an approved Use Permit in the "PQP" zoning district.

37. FINDING: The establishment, maintenance, or operation of the golf course applied for, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the

general welfare of the County.
EVIDENCE: The proposed 18-hole golf course covers approximately 179 acres. The golf course design includes an edge to blend into the existing landscape. Treated waste water generated by the proposed project will be used for golf course irrigation. On site collection and detention of all surface run off will reduce impacts on water quality.

VII. FINDINGS AND EVIDENCE FOR USE PERMIT FOR EXPANSION OF WASTEWATER TREATMENT FACILITY

38. FINDING: The expansion of the wastewater treatment facility is consistent with the policies of the Monterey County General Plan and the Greater Monterey Peninsula Area Plan.

EVIDENCE: The wastewater treatment facility is a permitted use in the Public/Quasi-Public land use designation under the Greater Monterey Peninsula Area Plan and is specifically allowed on the project site under the plan. See also consistency analysis above, findings No. 13 and No. 14.

39. FINDING: The zoning applied to the expanded wastewater treatment facility is "Public/Quasi-Public" ("PQP"). The proposed expanded wastewater treatment facility is consistent with the "PQP" zoning district.

EVIDENCE: Waste water facilities are an allowed use with an approved Use Permit in the "PQP" zoning district.

40. FINDING: The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.

EVIDENCE: The proposed project calls for expansion of an existing waste water treatment facility serving existing development west of the project site. The proposed expansion will increase existing capacity. A Sewage Analysis has been prepared for the proposed expansion. Conditions of project approval have been adopted to reduce or avoid all significant adverse environmental effects of the project related to sewage. The plans for the proposed expansion of the wastewater treatment

facility are subject to review and approval by the Monterey County Public Works Department, the Monterey County Local Agency Formation Commission, the Monterey County Health Department, and the Monterey Bay Unified Air Pollution Control District.

41. FINDING: The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement cost have been paid.

EVIDENCE: Planning file PC 7704.

VIII. FINDINGS AND EVIDENCE FOR THE RELOCATION OF LOTS 40 AND 91.

42. FINDING: Lots 40 and 91 have been relocated and are consistent with the Monterey County General Plan and would be in conformance to 21.66.010 of Title 21 Zoning Ordinance.

EVIDENCE: Policy 26.1.9 of the Monterey County General Plan states that "new subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development." The proposed relocation of lots 40 and 91 would eliminate ridgeline development, as determined by staff.

The Board of Supervisors hereby adopts and approves said application as shown on the attached sketch, subject to the following conditions:

1. Design the water system improvements to meet the standards as set forth in Title 22 of the California Code of Regulations and as contained in the Residential Subdivision Water Supply Standards. As necessary, provide evidence that the plans for the water system improvements have been approved by Bishop Water Company and the State Department of Health Services prior to installing (or bonding) the water system improvements. (Environmental Health) (mm #32)
2. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation (or bonding) and filing of the final map for each phase. (Environmental Health) (mm 33)
3. The developer shall install or bond the water system

improvements to and within the subdivision and any appurtenances needed prior to filing the final map for each phase. (Environmental Health) (mm 32 & 33)

4. Prior to filing of the final map for each applicable phase of the subdivision, provide evidence to the Director of Environmental Health that all necessary approvals have been granted by the Monterey Peninsula Water Management District for the following:
 - a) An amendment to the expansion capacity of the water distribution system that is adequate to serve the associated phase of the subdivision.
 - b) An increase in the production limits that is adequate to serve the associated phase of the subdivision. (Health Department) (mm 32A)
5. The developer and/or utility shall obtain approval from the Public Utilities Commission for additional service prior to filing the final map for each phase. Evidence of this approval shall be submitted to and approved by the Division of Environmental Health and State Health Departments. (Environmental Health) (mm 32)
6. Applicant shall destroy any existing well(s) as necessary according to State of California Bulletin 74-81, and Monterey County Ordinance No. 3317. A permit for the destruction of the well(s) shall be obtained from the Division of Environmental Health prior to destruction. (Environmental Health)
7. Applicant shall submit documentation of adequate water quality and quantity for any new wells proposed to augment the potable water supply for the subdivision, subject to the review and approval of the Director of Environmental Health. A permit for the construction of any well(s) shall be obtained from the Division of Environmental Health prior to construction. (Environmental Health)
8. Submit a revised final map indicating the proposed well lot(s), water distribution, and access easements for the water system to the Director of Environmental Health and/or the State Department of Health Services for review and approval prior to filing the final map. (Environmental Health)
9. Water system improvements shall incorporate appropriate back-flow designs as per Title 17 of the California Code of Regulations subject to the review and approval of the Director of Environmental Health and/or the State Department

of Health Services. (Environmental Health)

10. The applicant shall provide evidence that the property has been annexed into County Service Area #10 prior to the filing of the final map for each phase. (Health Department)
11. The sewer system improvements and appurtenances shall be installed, or bonded, to and within the subdivision prior to filing the final map for each phase. (Environmental Health) (mm 33)
12. Obtain an amended Waste Discharge Permit from the Regional Water Quality Control Board. The amended permit shall be obtained prior the filing of the final map for each phase and prior to the issuance of any Health Department permits. (Environmental Health) (mm 34)
13. Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the Director of Environmental Health, Public Works Department, and the Regional Water Quality Control Board. (Environmental Health) (mm 34)
14. The operator of any new collection, treatment and disposal systems shall be licensed by the State of California and be qualified to supervise all regular operation, maintenance, testing, and reporting to appropriate Health and Water Quality Control Agencies, including the Director of Environmental Health. (Environmental Health)
15. Wastewater shall not be permitted to flow, drain or seep into any natural waterway, pond or lake and shall remain within the designated disposal area(s) at all times. (Environmental Health)
16. A continuous program of rodent control, and inspection and maintenance of pond berms, shall be implemented. (Environmental Health)
17. Wastewater applied as landscaping or pasture irrigation shall exceed the requirements of "Waste Reclamation Criteria," California Administrative Code, Title 22, Division 4, adopted Sept 23, 1978, or subsequently amended rules and regulations of the State Health Department. Specifically, water used for irrigation shall meet the standards of Section 60313(b), requiring adequately oxidized, coagulated, filtered, and disinfected wastewater. Reclaimed wastewater may not be used within 50 feet of any residence or food service establishment regardless of the treatment process used. (Environmental Health)
18. Storage of treated wastewater shall be provided for a period

of up to 120 days unless otherwise approved by the Director of Environmental Health. All wastewater storage ponds, including surge pond, must be lined with an impervious lining. The quality of stored wastewater shall meet the requirements as determined by the Director of Environmental Health. (Environmental Health)

19. All storage ponds and disposal areas shall be posted at frequent intervals around the periphery to indicate that they contain treated wastewater and should not be entered. (Environmental Health)
20. An emergency storage pond with a capacity for at least 3 days raw sewage flow shall be provided. (Environmental Health)
21. The water supply for makeup landscaping or irrigation water required above and beyond the available quantity of treated wastewater shall incorporate back-flow prevention as required by Title 17 of the California Code of Regulations or as otherwise required by the Director of Environmental Health. (Environmental Health)
22. The developer shall provide an alarm system connected to an appropriate public safety organization and shall provide standby power for the on-site treatment system. (Environmental Health)
23. Appropriate mosquito control measures for the reservoir shall be implemented in accordance with standard practices of mosquito abatement and control for open reservoirs. (Environmental Health) (mm 34)
24. The operation of the treatment plant shall comply with the County Noise Ordinance and the noise element of the General Plan subject to the review and approval of the Director of Environmental Health. (Environmental Health)
25. Concurrent with the filing of the final map for each phase, a notice shall be recorded for each lot included in the phase, which notifies future owners of the presence and potential noise impacts generated by activities at the Laguna Seca Recreation Area, including the shooting ranges. The notice shall inform future lot owners of availability of the noise studies prepared for the project and which are on file at the Monterey County Planning and Building Inspection Department. At a minimum, the recorded notice shall list the types of various activities approved by the existing Laguna Seca Use Permit, as well as the noise intensity, frequency and duration of those activities. The notice shall also provide prospective purchasers the mechanism by which to contact the County Parks Department to obtain

information regarding noise generating activities. The language of this notice shall be subject to the review and approval of the Department of Environmental Health, Parks Department, the Department of Planning and Building Inspection and the Department of County Counsel.

(Environmental Health & Parks Department) In addition, the developer convey a noise easement to the County over those portions of the property impacted by noise generated by the Laguna Seca Recreation Area. The terms and language of noise easement shall be subject to the review and approval of the County Counsel. (County Counsel)

26. Concurrent with the filing of the final map for lots 133-135, a separate notice shall be recorded on the deeds of lots of record 133-135 to the effect that those lots are in close proximity to the Laguna Seca Firing Range Complex and that these lots are subject to episodic intrusion of noise. Trespass onto Laguna Seca Recreation Area property, within the lines of fire from the existing rifle/pistol ranges may subject the trespasser to serious physical harm. The language of this notice shall be subject to the review and approval of the Parks Department, the Department of Environmental Health and County Counsel. (Parks Department)
27. Sludge shall be removed off-site to a suitable location approved by the Director of Environmental Health. (Environmental Health)
28. The chlorine storage unit at the treatment plan shall be in accordance with all applicable California Codes and Regulations subject to the review and approval of the Director of Environmental Health and the local fire protection agency. (Environmental Health)
29. The Monterey Regional Waste Management District shall provide the director of Environmental Health with quarterly reports of the landfill gas monitoring program which MRWMD will implement pursuant to its agreement with the project applicant. If landfill gas is detected above the lower explosive limit (LEL), further investigation will be required to determine the risk of migration from the landfill to the project site. Should landfill gas migration be identified as a risk to residences adjacent to the landfill based on the monitoring results, the project proponent shall incorporate passive/active gas control systems as construction measures for the residences on the identified homesites to eliminate any hazards. Construction measures to isolate residences from such gases are known and available. Such measures shall be reviewed and approved by the County Health Department if they are determined to be necessary. (Health Department) (mm 51)

30. A notice shall be recorded notifying the owners of the presence, history and status of the adjacent landfill. The lots to which the notice is applicable and the language for the notice shall be determined by the Department of Environmental Health, the Department of Planning and Building Inspection and the Department of County Counsel taking into account the results of landfill monitoring and other mitigations. (Health Department) (mm 51)
31. That a note be placed on the final map indicating that "underground utilities are required in this subdivision in accordance with Chapter 19.10.095 Title 19 of the Monterey County Code." (Public Works) (mm 49)
32. The subdivision shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company and Pacific Bell. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. (Public Works)
33. Provide drainage improvement study on-site and off-site. Study to be approved by the County Surveyor's office and the Water Resources Agency. (Public Works) (mm 5 & 6)
34. That all natural drainage channels be designated on the final map by easements labeled "Natural Drainage Easement." (Public Works) (mm 5)
- ✓ 35. That Boots Road be realigned opposite the Project entrance at State Highway 68 including signalization, bus stops and intersection improvements as requested by CalTrans.
36. Dedicate to County the area within the Official Plan Line. (Public Works)
- ✓ 37. Pay a Traffic Impact Fee of \$9,750.00 per lot to the Monterey County Public Works Department. The low and moderate income housing units shall be exempt from the traffic impact fee. The fees collected shall be designated for the widening of State Highway 68 to four lanes from the eastern end of the subject property's frontage along State Highway 68 to York Road. Collection of fees shall be half at the time of the recordation of the Final Map and half prior to the issuance of the Building permit. If CalTrans and appropriate County agencies find the widening improvements to be infeasible, then the money shall be used to fund improvements on State Highway 68. (Public Works)
38. That the 30' driveway and utility easement be constructed to a width approved by the local County fire jurisdiction. (Public Works)

39. That the typical sections on the vesting tentative map be amended to meet County standards. (Public Works)
40. The Laguna Seca treatment facility does not have adequate capacity for the proposed subdivision. If the existing treatment facilities are expanded, provisions must be taken to insure these existing wastewater treatment processes are not interrupted. To avoid these interruptions, a parallel functioning treatment facility may be required. (Public Works) (mm 34)
41. The Developer must enter into an agreement to purchase any existing capacity that might be available for development. (Public Works) (mm 34)
42. The Developer must enter into an agreement to make necessary improvements to the wastewater collection system. Improvements may be subject to review by a third party engineer at the Developer's cost and approval by the Monterey County Public Works Department. (Public Works) (mm 34)
43. The Developer must enter into an agreement to permit, plan, construct, initiate operation, and warranty a plant expansion at or before the current facility reaches 75 percent of theoretical capacity (33,750 gpd). (Public Works) (mm 34)
44. When the plant's capacity is reached, no further connections will be allowed. The plant will have to be expanded at the Developer's cost. Any expansion plans will have to be reviewed and approved by Monterey County Public Works and a third party engineer at the discretion of Monterey County Public Works. The developer will pay for the cost of the expansion plans and third party engineering review. The developer will have to obtain all necessary permits. (Public Works) (mm 34)
45. Solids dewatering equipment will be required in any new treatment facilities accepted by the County. (Public Works) (mm 34)
46. All new restaurants or commercial establishments constructed within the subdivision must install County-approved grease traps. Grease traps must be maintained according to County specifications. (Public Works)
47. Odor and corrosion protection installations will be required in all new or expanded collection systems (lift stations) and treatment facilities. Any existing systems impacted by odor or corrosion problems will also require protection systems. (Public Works) (mm 34)

48. The proposed treatment facility expansion shall meet all Federal, State, and local discharge requirements. Facilities shall also be designed to meet any applicable air pollution control requirements. (Public Works) (mm 34)
49. All sewer facility improvements must be deeded to the County. (Public Works) (mm 34)
50. Easements for maintenance and access purposes are required for all facilities. (Public Works) (mm 34)
51. Flow and capacity assumptions for sewer treatment plant must be verified in the Engineering Report associated with improvements/expansion. Flow figures in the Final EIR seem unrealistically low. Infiltration and inflow must be considered in the engineering. Since it occurs in the existing system, it cannot be ignored. (Public Works)
52. The Developer must apply for annexation to CSA # 10 and pay all applicable fees. (Public Works) (mm 35)
53. Flow and capacity assumptions for sewer treatment plant must be verified in the Engineering Report associated with improvement/expansion. Infiltration and inflow must be considered in the flow and capacity assumptions. (Public Works) (mm 35)
54. The project proponent shall obtain approval from the Monterey County Local Agency Formation Commission for annexation of the project site to County Service Area No. 10 prior to approval of the final subdivision map. (LAFCO and Public Works) (mm 35)
55. 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. (Fire District)
56. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (Fire District)
57. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (Fire District)
58. For residential 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 of curvature shall be 28 feet. For all driveway turns, an additional surface of 4

feet shall be added. (Fire District)

59. 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. (Fire District)
60. 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. (Fire District)
61. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways 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 road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. (Fire District)
62. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. (Fire District)
63. All one way roads shall be constructed to provide a minimum of one 12-foot traffic lane. The local jurisdiction may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than 10 dwelling units. In no case shall it exceed 2640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road. (Fire District)
64. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
 1. Parcels designated in the Area or Implementation Plan for 0 to .99 acres: 800 feet.
 2. Parcels designated in the Area or Implementation Plan for 1 to 4.99 acres: 1320 feet.
 3. Parcels designated in the Area or Implementation Plan for 5 to 19.99 acres: 2640 feet.
 4. Parcels designated in the Area or Implementation Plan zoned for 20 acres or larger: 5280 feet.(Fire District)
65. All 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 farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes,

requiring different length limits, the shortest allowable length shall apply. (Fire District)

66. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals. (Fire District)
67. Each dead-end shall have a turnaround constructed at its terminus. (Fire District)
68. Driveways shall not be less than 12 feet wide unobstructed. 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. (Fire District)
69. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. (Fire District)
70. 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 that road. (Fire District)
71. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40 foot turning radius shall be used. (Fire District)
72. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. (Fire District)
73. 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 clearly contrasts with the background color of the sign. All numerals shall be Arabic. (Fire District)
74. Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. (Fire District)
75. Newly constructed or approved public and private roads and streets shall be identified in accordance with provisions of Monterey County Ordinance No. 1241. All signs shall be mounted and oriented in a uniform manner. 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. (Fire District)

76. 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. (Fire District)
77. Road, street and private signs required by this article shall be installed prior to final acceptance of road improvements by the County of Monterey. (Fire District)
78. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (Fire District)
79. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (Fire District)
80. Address signs along one-way roads shall be visible from both directions of travel. (Fire District)
81. Where multiple address are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. (Fire District)
82. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site. (Fire District)
83. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. (Fire District)
84. The fire flow for this subdivision is based on Appendix III-A (Fire Flow Requirements for Buildings) of the Uniform Fire Code. Due to several mitigation factors, such as the fuel modification and residential fire sprinklers, the fire flow has been reduced to the following:
 - (a) One and Two-Family Dwelling Areas
Fire Flow - 500 gpm @ 20 psi residual pressure Hydrant
Outlets - One 2-1/2 inch and one 4-1/2 inch NST
 - (b) Buildings Other Than One and Two-Family Dwelling Areas
Fire Flow- 1,500 gpm @ 20 psi residual pressure Hydrant
Outlets - Two 2 1/2 inch and one 4-1/2 inch NST
 - (c) Hydrant Spacing - Locations shall be according to the Approved Vesting Tentative Map.

(d) Hydrant Identification - Blue reflective hydrant markers are required to be installed pursuant to Public Works Department standards (Monterey County Resolution 83-3). (Fire District)

85. All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. (Fire District)
86. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit. (Fire District)
87. 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. (Fire District)
88. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. The Salinas Rural Fire District has reviewed and approved the Landscape Master Plan and Guidelines and Fuel Modification Plan prepared and submitted by the Applicant. (Fire District)
89. The buildings) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:
90. "The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." (Fire District)
91. The buildings shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans

and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993. (Fire District)

92. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches unless otherwise specified on the approved vesting Tentative Map. (Fire District)
93. Due to excessive slope of access road and/or driveway or other mitigating factors, garage(s) and small bathroom(s) shall be protected with fire sprinklers. Exceptions 1 and 3 of Section 4-6 (Location of Sprinklers), NFPA Standard 13-D, 1989 Edition, do not apply. (Fire District)
94. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (Fire District)
95. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. (Fire District)
96. A note shall be placed on the Final Subdivision Map for each phase stating that, "The Vesting Tentative Map has been approved by the Salinas Rural Fire Protection District based on residential fire sprinklers being installed in all proposed residential occupancies including attached garages and small bathrooms. Installation, approval, and maintenance shall be in compliance with applicable National Fire Protection Association Standards, the edition(s) of which to be determined by the Salinas Rural Fire Protection District. Due to the installation of residential fire

sprinklers, several Uniform Fire Code Standards have been modified, including but not limited to: access road widths and slopes, minimum fire flows, water storage, hydrant spacing and lecithinase, and fuel modification standards. Irrespective of any subsequent changes in laws or ordinances, there shall be no deviation from the requirements of residential fire sprinklers." (Fire District)

97. The project proponent shall incorporate all recommendations and mitigation measures in the Geological Report for Bishop Ranch by M. Jacobs & Associates, October 4, 1991, and the addendum letter from Reynolds Associates to Gary Tavernetti, August 3, 1993, into the final subdivision maps and final improvement plans, subject to review and approval by the Monterey County Planning and Building Inspection Department and Public Works prior to recordation of the final subdivision map for each phase. (Planning and Building Inspection and Public Works) (mm 1)
98. The project proponent, or individual builder, as applicable shall have a registered geotechnical engineer conduct a full comprehensive geotechnical report of the areas underlying proposed home sites, the golf course clubhouse, and other proposed structures to develop recommendations for foundation design for the applicable structures. This report will be subject to review and approval by the Monterey County Planning and Building Inspection Department prior to issuance of a grading or building permit for the applicable structures). (Planning and Building Inspection) (mm 2)
99. The project proponent shall enter into an agreement with a qualified geotechnical consultant approved by the County, to provide field observation, monitoring, and reporting services to the County during all phases of the proposed project relevant to the applicant. This agreement shall be subject to review and approval by the Monterey County Public Works Department prior to the issuance of a grading permit. (Planning and Building Inspection) (mm 3)
100. The project proponent shall prepare a detailed grading and erosion control plan, incorporating the preliminary erosion control plan, and including methods to retard erosion, slope failure and loss of visual amenities associated with exposed soils. Grading shall occur between April 15 to October 15, when rain is least likely to occur, unless special mitigation measures concerning erosion and drainage are incorporated. Rehabilitation of exposed soils shall occur year around, with increased inspection and maintenance to control erosion during the wet months. The detailed grading and erosion control plan shall be incorporated into the

final improvement plans, subject to review and approval by the Monterey County Planning and Building Inspection Department, prior to approval and recordation of the final subdivision map for each phase. (Public Works and Water Resources Agency) (mm 4)

101. The project proponent shall provide a storm drainage improvement plan to control surface water drainage and shall include, but not be limited to, the following:
- a. Design primary facilities for the 100-year storm event;
 - b. Design roadway improvements for the 10-year storm event in the upper areas where no flooding can occur;
 - c. Utilize detention facilities in the drainage system to minimize run-off through percolation of storm waters;
 - d. Provide drainage improvements to accommodate the 25-year storm in areas subject to flooding in order to prevent property damage and maintain access to dwelling units;
 - e. Design detention basins using the pre-developed and post-developed differential in peak storm volumes from the 100-year storm;
 - f. Provide erosion and sediment control facilities, such as oil, grease, and silt traps at detention ponds and at downstream facilities to prevent contamination of the creek; and
 - g. Provide storm detention facilities to minimize the effect of surface water run-off generated in the developed areas;
 - h. If it is determined that the wastewater treatment plant expansion will be located within the flood plain, the structures shall be designed in accordance with Monterey County Ordinance No. 2966 requiring elevation and flood proofing of the structures.
 - i. This storm drainage improvement plan shall conform to current engineering practices and be included in the final improvement plans, subject to review and approval by the Monterey County Public Works Department and the Monterey County Water Resources Agency, prior to approval and recordation of the final subdivision map for each phase. (Water Resources Agency) (mm 5)

102. The surface water drainage system, including collection facilities and detention ponds, shall be maintained by the proposed project homeowners association. This requirement shall be included in the proposed project Covenants, Conditions, and Restriction (CC&R's), subject to review and approval by the Monterey County Planning and Building Inspection Department prior to approval and recordation of the final subdivision map for Phase 1. (Water Resources Agency) (mm 6)
103. The project proponent shall design the realignment of Boots Road with the proposed project entry at Highway 68 at least one foot above the 100-year flood plain. The roadway shall also be designed and built to withstand future stream flows. These designs shall be included in the final improvement plans and are subject to review and approval by the Monterey County Public Works Department and the California Department of Transportation prior to approval and recordation of the final subdivision map for Phase I. (Water Resources Agency) (mm 7)
104. The project proponent shall apply for and obtain a General Construction Activity Storm Water Permit from the State Water Resources Control Board prior to issuance of a grading permit. (Water Resources Agency) (mm 8)
105. The project proponent shall comply with Ordinance 3539 of the Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
- a. Installation of ultra low-flow toilets with a maximum tank size or flush capacity of 1.6 gallons;
 - b. Shower heads with a maximum flow capacity of 2.5 gallons per minute;
 - c. A hot water recirculating system for water heaters; and
 - d. Xeriscape landscape for private residences, the clubhouse, and common areas. Xeriscape techniques shall include, but not be limited to, native and drought resistant plants, low precipitation sprinkler heads, bubblers, drip irrigation systems, and timing devices for irrigation systems. (Water Resources Agency) (mm 9)
106. The project proponent shall comply with the Forest Management Plan For Golf Course and Residential Subdivision Development For Monterey County Partners, dated July 30, 1992, for all on site and off-site improvements. The Forest Management Plan includes, but is not necessarily limited

to, the following recommendations:

- a. Remove only those trees indicated in the Forest Management Plan, subject to final improvement plans and field modifications approved by the Director of Planning and Building Inspection Department;
- b. Replace coast live oaks trees on a two-to-one basis both on-site and across Highway 68 when Boots Road is rerouted. Five gallon size coast live oaks shall be spaced 20 feet apart, or farther in locations that will provide landscaping; screening and forest density amendments near proposed housing, and near margins of existing oak forest where soil conditions and slope permit. The specific locations should be designated in the landscaping plan and in accordance with the criteria in the Forest Management Plan;
- c. Supervise grading activities where existing trees are potentially impacted. The supervision shall be provided by the qualified botanist hired to monitor the implementation of mitigation measures; and
- d. Follow all guidelines regarding: the care of trees during construction and landscaping; oak problems related to soil depth and moisture; the California Oak Moth Caterpillar; recommended size of replacement trees; and all guide lines provided by the lead agency.
~~(Planning and Building Inspection)~~ (mm 10)

107. The project proponent shall record a deed restriction and a note on Final Map which states that a forest management plan (Forest Management Plan For Golf Course and Residential Subdivision Development For Monterey County Partners, dated July 30, 1992) has been prepared and the project proponent and all future owners will have to comply with this forest management plan. This deed restriction shall be recorded, subject to review and approval by the Director of Planning and Building Inspection Department prior to approval and recordation of the final subdivision map for each phase.

~~(Planning and Building Inspection)~~ (mm 11)

108. The project proponent shall hire a qualified biologist to prepare and monitor the implementation of a vegetation management plan for the proposed project. This vegetation management plan, including a mitigation monitoring program, shall include, at a minimum, the following activities:

- a. Implement the Bishop Ranch Landscape Master Plan and Fuel Modification Plan which consist of guidelines for native and/or drought-tolerant plant species that are compatible with the existing native vegetation and the

eradication of invasive exotics such as French broom and Pampas grass, both of which invade areas under development.

- b. Restore the chaparral vegetation in areas temporarily cleared for construction activities. Propagate native plant materials collected from areas of the project site slated for development and revegetate temporarily disturbed areas adjacent to the roads, building sites, and construction staging areas. Provide temporary irrigation for these plantings until they are established.
 - c. Restore the chaparral habitat in the northern portion of the project site in areas not occupied by home sites, roads, or golf course as long as restoration is compatible with surrounding land uses.
 - d. Plant new oaks and willows along the channel banks upstream and downstream of the new fill for the extension of Boots Road; eradicate non-native, invasive plants such as Scotch broom and pampas grass.
 - e. Conduct appropriately-timed botanical surveys prior to construction in the areas slated for development and/or disturbance to determine if minor modifications can be made to further avoid special-status plant populations. If avoidance is infeasible, attempt to recover individual plant species for transplant and/or collect seeds for propagation and relocation to unaffected areas of like habitat.
 - f. Implement an open space management program consistent with the Landscape Master Plan and Fuel Modification Plan to provide guidelines for management and protection of the central maritime chaparral remaining in open space. This management program shall include the following: suggested management techniques to maintain the integrity of the chaparral while minimizing the threat of wildfire; measures for recovering individual special status plant species lost as a result of development; protection measures for the habitat (e.g. leash laws, no off-road vehicle use, etc.); designation of management responsibility; management guidelines for homeowners which include information on the sensitivity of the habitat, appropriate uses of the area, and the importance of open space wildlife corridors. FBI
109. The management plan shall be subject to review and approval by the Director of Planning and Building Inspection Department prior to approval and recordation of the final which is on

subdivision map for Phase 1. (Planning and Building Inspection) (mm 12)

✓ 110. The project proponent shall record a deed restriction which states that a vegetation management program has been developed and all future owners will have to comply with this program. This deed restriction shall be recorded, subject to review and approval by the Director of Planning and Building Inspection Department prior to approval and recordation of the final subdivision map for Phase I. (Planning and Building Inspection) (mm 13)

✓ 111. The project proponent shall hire a qualified wildlife biologist to conduct a golden eagle nest survey in the vicinity of the east valley during the breeding season,, December through February. The nest survey should focus on the large trees which are found on the western and eastern slopes above the east valley. If active nests are found, a construction buffer should be established around the nest to avoid disturbance until the young eagles have fledged. The construction buffer typically includes a one-quarter to one half mile radius around the nest site but this area can vary depending on the surrounding topography and nature of the construction activity. These golden eagle nest surveys shall be conducted prior to issuance of a grading permit; the survey results are subject to review and approval by the Director of Planning and Building Inspection Department. (Planning and Building Inspection) (mm 14)

112. The project proponents shall dedicate two Scenic Easements for 184 acres of permanent open space and golf course open space, subject to review and approval of the Director of Planning and Building Inspection Department prior to approval of the final map for Phase 1. (Planning and Building Inspection) (mm 16)

113. The project proponent shall execute all necessary permits with all agencies for alterations to Canyon del Rey Creek for the realignment of Boots Road. These agreements shall be approved prior to the issuance of a grading permit for the Boots Road realignment. (Planning and Building Inspection) (mm 17)

114. The project proponent shall prepare a construction plan which includes the following air pollution control techniques:

- a. Sprinkling unpaved construction sites with non-potable water at least twice per day;
- b. Covering trucks hauling excavated materials with tarpaulins or other effective covers;

- c. Sweeping streets serving the construction sites at least once per day;
- d. Paving and planting as soon as possible;
- e. Reduce unnecessary idling; and
- f. Use of adhesives, clean-up solvents, paint, and asphalt paving materials with a low ROG content.

This construction plan shall be prepared, subject to review and approval by the Director of Planning and Building Inspection Department, prior to issuance of any grading permits. (Planning and Building Inspection) (mm 24)

- ✓115. The project proponents shall incorporate the following measures implementing their trip reduction program into the improvement plan for relocating and improving the existing Monterey-Salinas Transit stops located on both sides of Highway 68 at Bit Road and other plans for the project. In addition, an information packet describing the availability of public transportation and the facilities described below shall be prepared for distribution to all persons who purchase lots in the subdivision from the subdivider. The improvement plans shall include, but not be limited to the following:
- a. The existing transit stops at Highway 68 and Bit Road shall be relocated to the new intersection on Highway 68 and Boots Road with the project entrance. Transit stops shall be provided on both sides of the highway.
 - b. Pedestrian benches and shelters shall be provided at the transit stops. The design of these benches and shelters shall blend with the rural and natural environment along Highway 68.
 - c. Paved bus pull-outs shall be provided for these transit stops.
 - d. Crosswalks at the new intersection shall be provided across Highway 68, Boots Road, and the project entrance.
 - e. A portion of the proposed clubhouse parking lot shall be set aside as a park-and-ride lot for residents to park vehicles and bicycles.
 - f. Residents shall be able to access the transit stops from the park-and-ride lot, and vice versa, via a paved path extending from the clubhouse

parking lot to Highway 68. This paved path will be utilized by pedestrians and bicyclists.

- g. Bicycle racks shall be provided in proximity to the transit stops for storage of bicycles.

The improvement plan, including the design of the pedestrian benches and shelters, is subject to review and approval by the Director of Planning and Building Inspection Department, Director of Public Works and Monterey-Salinas Transit, prior to approval and recordation of the final subdivision map Phase 1. (Public Works) (mm 25, 26)

116. The project proponent shall prepare an energy-efficiency plan for the moderate and low income housing and structured housing units, subject to review and approval by the Monterey County Planning and Building Inspection Department, prior to issuance of any building permits for these units. The plan shall include, but not be limited to, the following:

- a) A "move-in package" for future residents of the proposed project. The package shall include information regarding ride-sharing, public transportation, and nearby licensed childcare facilities. The design and basic concepts of the package shall be prepared as a part of the plan. This "move-in package" shall also be provided to purchasers of individual residential lots.
- b) Installation of energy-efficient, low-NO_x heating and cooling systems and energy-efficient lighting in all moderate income housing and structured housing units. (Planning and Building Inspection) (mm 27)

117. Developers of individual residential lots shall be required to install energy-efficient, low-NO_x heating and cooling systems and energy-efficient lighting. These requirements shall be included in the Covenants, Codes, and Restrictions, subject to review and approval by the Director of Planning and Building Inspection Department and County Counsel prior to approval of the final map for Phase 1. (Planning and Building Inspection) (mm 28)

118. Construction activities relating to grading, for the golf course and project roadways shall be limited to the hours of 7 am to 7 pm on weekdays and prohibited on weekends. This condition shall be incorporated into the contractor work specifications, subject to review and approval of the Director of Planning and Building Inspection Department prior to issuance of a grading permit. (Planning and

Building Inspection) (mm 31)

119. The project proponents shall deed an avigation easement to the Monterey Peninsula Airport District for each parcel. (Planning and Building Inspection) (mm 31.1)
120. The project proponents shall prepare a master landscape plan to include fuel modification standards for an ongoing Fire Hazard Control Plan as established by the lead agency and the Salinas Rural Fire District. The intent of this plan is to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide (1) increased safety for emergency fire equipment and evacuating civilians, and (2) a point of attack or defense from a wildfire. The applicant's landscape master plan and fuel modification plan approved by SRFD has been prepared for this purpose. This master landscape plan shall be subject to final review and approval by the County of Monterey Planning and Building Inspection Department and the Salinas Rural Fire District, prior to approval and recordation of the final subdivision map for Phase 1. (Fire District and Planning and Building Inspection) (mm 38)
121. The project proponent shall submit detailed grading plans, with finish floor elevations, to verify building heights in relation to elevations of adjacent ridge tops for structure housing units and to illustrate the proposed below-grade location of water tanks on the project site. Such plans are subject to review and approval by the Monterey County Planning and Building Inspection Department prior to approval of the final map for each phase. (Planning and Building Inspection) (mm 40)
122. The project proponent shall submit detailed landscape plans subject to review and approval by the Monterey County Planning and Building Inspection Department, prior to approval of the Final Map for each phase. The landscape plans shall include the following items:
 - a. The use of plant species native to this area.
 - b. Example illustrations of plans for all proposed landscaping used to soften the appearance of structures from areas described in project mitigations.
 - c. A detailed landscape plan of the entry area planting which illustrates the location of all plant materials proposed for the entry area "screen," and all "windows" proposed through the screen. (The entry area vegetation shall be planted prior to issuance of a building permit.) The plans shall include elevations

illustrating the proposed height and bulk of the plant materials at the time of planting (suggested at a minimum 6-foot height), at five years after planting, and at twenty-five years after planting in relation to eastbound view points #2 and #3, identified in the EIR. The intent of this action is to illustrate the effectiveness of the proposed screen over time.

- d. A detailed maintenance plan to ensure growth of the entry area planting and to ensure the continued existence of the "windows" to the east valley through the screen. This maintenance plan shall be included in the Covenants, Conditions and Restrictions.
 - e. Revegetation or hydro-seeding of cut slopes as soon as possible after grading.
 - f. Provision of additional landscaping around the Parcel B structured housing which shall address concerns of visibility from the westbound view points along Highway 68. (Planning and Building Inspection) (mm 42)
123. The fences on the project site shall only be permitted around individual home sites, and not allowed to define property lines. This restriction shall be included within the Covenants, Conditions and Restrictions, subject to review and approval by the Director of Planning and Building Inspection Department and County Counsel prior to approval of the final map for Phase 1. (Planning and Building Inspection) (mm 43)
124. That the residential units at homesites 37 through 42, 57, 58, 70, 84, 85 and 88 through 91 shall be zoned to "VS(16')" (Visual Sensitivity) (16 foot height limitation) zoning classification. (Planning and Building Inspection) (mm 44 and 45)
125. That the residential units at homesites 95 through 113, 121 through 135 and 141 through 151 shall be zoned to "VS" (Visual sensitivity) zoning classification. (Planning and Building Inspection) (mm 44 and 47)
126. The residential and resource conservation lots shall be zoned B-6 zoning classification. (Planning and Building Inspection)
127. That any street lights in the development be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection) (mm 50)
128. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only

the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection) (mm 50)

129. A note shall be placed on the final map for each phase, or alternatively recorded as a separate notice, stating that a Final EIR has been prepared for the project and is on file at the Monterey County Department of Planning and Building Inspection. The language in the note or notice shall be subject to review and approval by the Director of Environmental Health, the Director of Planning and Building Inspection, Director of Public Works and County Counsel prior to recording. (Planning and Building Inspection) (mm 52)
130. The subdivider shall install fencing of a design approved by the Parks Department on the resident side of the ridge that separates lots 133-135 from the Laguna Seca range complex. The fencing shall be located in such a manner that pedestrians are forced to stop below the crest of the ridge. Fencing shall extend from a point south of Lot 135 to a point north of Lot 133. The precise distance and location fencing shall be subject to approval of the Parks Department. (Parks Department) (mm 52A)
131. The eastern boundary of the project property shall be posted with signs warning pedestrians of the existence of the Laguna Seca Range Complex. Trespass onto Laguna Seca Recreation Area property, within the lines of fire from the existing rifle/pistol ranges may subject the trespasser to serious physical harm. The exact wording of the signs and the frequency of placement of the signs shall be determined and approved by the Parks Department and County Counsel. (Parks Department) (mm 52B)
132. The subdivider/applicant shall comply with the recreation requirements as provided in Section 19.12.010 Title 19 (Subdivision) of the Monterey County Code prior to filing of the final map. (Parks Department)
133. The project proponent shall ensure that the bedrock mortars within both Locus A and Locus B and a five meter (fifteen foot) buffer zone on all sides of both loci, be designated as archaeological easements. In addition, these areas shall be accurately recorded by a licensed surveyor. These easements shall be reviewed and approved by the Monterey County Planning and Building Inspection Department prior to

approval and recordation of the final subdivision map for Phase 1. (Planning and Building Inspection) (mm 53)

134. The project proponent shall arrange to have the midden area associated with the bedrock mortar within Locus A excavated archaeologically as recommended in the Management Plan found in the Secondary Archaeological Testing of CA-MIT-1262. This excavation shall be accomplished by a certified archaeologist who will prepare a written report upon completion of the excavation. This report shall be submitted to the County of Monterey Planning and Building Inspection Department for review and approval prior to issuance of a grading permit. (Planning and Building Inspection) (mm 54)
135. The project proponent shall enter into an agreement with a qualified archaeological monitor who shall be present during initial clearing, grading, trenching, or other earth moving activities in the area indicated in the archaeological reconnaissance reports. If significant archaeological resources or human remains are uncovered during construction, the monitor shall have the authority to stop excavations within 50 meters (150 feet) of the find until it can be evaluated and appropriate mitigation measures recommended. If work is being conducted in widely separated areas, or if several pieces of equipment are operating at the same time, more than one monitor may be required. The agreement between the project proponent and the archaeological monitor shall be reviewed and approved by the Monterey County Planning and Building Inspection Department prior to the issuance of a grading permit. (Planning and Building Inspection) (mm 55)
136. Applicant shall comply with the requirements of the Inclusionary Housing Ordinance by agreeing to build 26 affordable to moderate income household units and 12 affordable to low income household units prior to filing of final map. (Planning and Building Inspection) (mm 56)
137. The property owner agrees as a condition of the approval of this Combined Development Permit which includes a Standard Subdivision, that it will pursuant 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 in Government Code Section 66499.37. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the filing of the final map, whichever occurs first. The County shall promptly notify the subdivider 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. (Planning and Building Inspection)

138. Design and construct a stormwater recharge project that would utilize stormwater retention and percolation facilities to enhance recharge to the groundwater, or provide for the beneficial use of the stormwater. The project shall be designed to provide an average annual yield of 30 acre feet. (Water Resources Agency)

CONDITIONS FOR GOLF COURSE

139. Prior to issuance of a Grading Permit for the golf course, provide evidence to the Director of Environmental Health that all necessary approvals have been granted by the Monterey Peninsula Water Management District for the following:
- a) An amendment to the expansion capacity of the water distribution system that is adequate to serve the golf course.
 - b) An increase in the production limits adequate to serve the golf course. (Health Department)
140. Golf Course score cards shall include a printed notice to course patrons that reclaimed wastewater is being used. The language shall be subject to the review and approval of the Director of Environmental Health (Health Department)
141. If water for the golf course is to be provided by Bishop Water Company, the developer and/or utility shall obtain approval from the Public Utilities Commission for additional service prior to issuance of a grading permit for the golf course. Evidence of this approval shall be submitted to and approved by the Division of Environmental Health and State Health Departments. (Environmental Health)
142. Water system improvements shall incorporate appropriate back-flow designs as per Title 17 of the California Code of Regulations subject to the review and approval of the Director of Environmental Health and/or the State Department of Health Services. (Environmental Health)
143. Obtain an amended Waste Discharge Permit from the Regional Water Quality Control Board. The amended permit shall be obtained prior to the use of reclaimed effluent on the golf

course and prior to the issuance of Health Department discharge permits. (Environmental Health)

144. Wastewater shall not be permitted to flow, drain or seep into any natural waterway, pond or lake and shall remain within the designated disposal area(s) at all times. (Environmental Health)
145. Wastewater applied as landscaping or pasture irrigation shall exceed the requirements of "Waste Reclamation Criteria," California Administrative Code, Title 22, Division 4, adopted Sept 23, 1978, or subsequently amended rules and regulations of the State Health Department. Specifically, water used for irrigation shall meet the standards of Section 60313(b), requiring adequately oxidized coagulated, filtered, and disinfected wastewater. Reclaimed wastewater may not be used within 50 feet of any residence or food service establishment regardless of the treatment process used. (Environment Health)
146. All storage ponds and disposal areas shall be posted at frequent intervals around the periphery to indicate that they contain treated wastewater and should not be entered. (Environmental Health)
147. The water supply for makeup landscaping or irrigation water required above and beyond the available quantity of treated wastewater shall incorporate back-flow prevention as required by Title 17 of the California Code of Regulations or as otherwise required by the Director of Environmental Health. (Environmental Health)
148. Appropriate mosquito control measures for the reservoir shall be implemented in accordance with standard practices of mosquito abatement and control for open reservoirs. (Environmental Health)

CONDITIONS FOR THE COMBINED DEVELOPMENT PERMIT

149. Design and construct a stormwater recharge project that would utilize stormwater retention and percolation facilities to enhance recharge to the groundwater, or provide for the beneficial use of the stormwater. The project shall be designed to provide an average annual yield of 30 acre feet. (Water Resources Agency)
150. Prior to the recordation of the final map, the applicant shall submit an agreement which includes a procedure and program, pursuant to Attachment G of the Final Environmental Impact Report for the Bishop Ranch Project subject to approval of the Director of Planning and Building Inspection. The Monitoring agreement shall be consistent

with the monitoring program included in the final EIR and shall be recorded prior to recordation of the final map (Planning and Building Inspection).

- ✓151. A citizen's committee of residents along the Highway 68 corridor shall be formed to review and provide recommendations to the Public Works Department and CalTrans on improvements to Highway 68 to be made with traffic impact fees collected from the project. The citizen's committee shall be appointed by the board of Supervisors and shall include a representative resident from each of the Homeowner's Association along the Highway 68 corridor. The applicant shall provide to the citizens committee all traffic data and studies developed by the applicant during the approval process, and shall participate on the citizen's committee if requested. (Public Works)
152. The applicant shall consult and coordinate with representatives of the homeowner's associations on the south side of Highway 68 across from the project site (Bay Ridge, Halcyon Heights, Halcyon Hills, and Mesa Hills West) on the details of the design and construction of the Boots Road extension and its intersection with Highway 68. (Public Works)
- ✓153. The realignment of Boots Road and its intersection with Highway 68 shall be constructed at the same time as the signalized project entrance at Highway 68. (Public Works)
- ✓154. The applicant shall prepare a traffic management plan which incorporates measures to provide for smooth traffic flow during construction of all improvements in the Highway 68 right-of-way. The traffic managements plan, as well as all plans for improvement of Highway 68, shall be reviewed and approved by the Public Works Department and CalTrans prior to recordation of the final map for Phase 1. (Public Works)
155. Annual water demand for irrigation of the golf course has been estimated at 188 acre feet. The operator of the golf course shall file annual reports of the annual water use for irrigation of the golf course with the Monterey county Water Resources Agency. If the annual use reported exceeds 188 acre feet, including reclaimed wastewater, the operator of the golf course shall be required to implement water conservation measures to insure that annual water use does not exceed 188 acre feet in subsequent years. (Water Resource Agency and Environmental Health)
156. The developer is required to accept any water CSA 10 can make available for golf course irrigation, as long as it does not exceed 188 acre feet. (Water Resource Agency and Environmental Health)

157. An Integrated Golf Course Management Plan shall be prepared and implemented by the golf course operator, subject to the approval of the Director of Environmental Health. This plan shall describe and regulate the use of pesticides, herbicides, and fungicides to document that groundwater and surface water quality is protected and maintained.
(Environmental Health)
158. Should any builder desire a change in the architectural design from that shown on the displays for the townhouse portions of the project and on file in the Planning Department, then that affected portion of the project shall be resubmitted to the Board of Supervisors at a public hearing to seek approval for such changes.
159. The applicant shall record a notice which states: "A permit (Resolution 95-415) was approved by the Board of Supervisors for Assessor's Parcel Number 173-071-053-000 on September 12, 1995. The permit was granted subject to 159 conditions of approval which run with the land. A copy of the permit is on file with Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

Upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook, Perkins, Johnsen and Karas.

NOES: None.

ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page of Minute Book 68, on September 12, 1995 .

Dated: September 12, 1995

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors, County of Monterey,
State of California.

By

Nancy Lubenhill

Deputy

ATTACHMENT A

CEQA CERTIFICATION AND FINDINGS FOR THE BISHOP RANCH SUBDIVISION GENERAL PLAN AMENDMENTS, ZONING RECLASSIFICATIONS, AND COMBINED DEVELOPMENT PERMIT (INCLUDING VESTING TENTATIVE MAP)

I

CERTIFICATION UNDER CEQA

1. **Description Of The Project:** The project consists of the development, pursuant to the approvals described below, of the Bishop Ranch Subdivision on property fronting on and generally north of State Highway 68 and generally west of Laguna Seca Recreation Area in Monterey County. The project as proposed and evaluated in the Environmental Impact Report ("EIR") proposes the subdivision of 564.7 acres to create 257 residential parcels consisting of 164 single-family parcels, 38 moderate income parcels and 55 structured housing parcels; an 18 hole golf course and clubhouse; and associated parking areas, landscaping, roads, utilities, and open space. The following distinct approval actions are necessary for implementation of the project and are therefore evaluated in the EIR and embraced within this Certification and Findings:
 - A. Amendments to the Greater Monterey Peninsula Area Plan ("GMPAP") portion of the Monterey County General Plan;
 - B. Zoning reclassifications;
 - C. Approval of a Combined Development Permit pursuant to the Monterey County Zoning Ordinance (Title 20), including a vesting tentative subdivision map; use permit for waiver of policy prohibiting development on slopes in excess of 30%; use permit for golf course; use permit for expansion of water treatment facility.

The foregoing approvals and the development authorized pursuant to such approvals is referred to herein as the "Project."

The objectives of the Project consist of the creation of a mixed use residential, recreational and open space development in keeping with the semi-rural residential and recreational environment that prevails along the unincorporated portion of the Highway 68 corridor. Beneficial economic effects are expected to accrue from the development of the subdivision and operation of the golf course. Project objectives include the maximizing of affordable housing units and variety of residential units by the subdivision of the project site into 253 residential lots, including 38 low and

moderate income housing units; preserving a rural residential character of the area by clustering housing to maximize open space in the development and maintain the visual qualities of the site; avoiding commercial development; and providing improvements for access to Highway 68 to enhance safety at certain existing intersections.

2. **Certification:** The Board of Supervisors hereby certifies that a Final Environmental Impact Report ("Final EIR") for the Project has been completed in compliance with the California Environmental Quality Act ("CEQA") and that the Final EIR was presented to the Board of Supervisors and the Board of Supervisors reviewed and considered the information contained in the Final EIR prior to approving the Project.

FINDINGS FOR THE CERTIFICATION UNDER CEQA

The Monterey County Board of Supervisors finds as follows:

1. **FINDING: Final EIR.** The Final EIR for the Project consists of the revision of the draft EIR as contained in the document entitled "Bishop Ranch Subdivision Final Environmental Impact Report" prepared for the County of Monterey by EMC Planning Group, Inc., and dated April, 1995, (including the written comments and recommendations received on the draft EIR and the responses thereto, which are included therein); the Errata to the foregoing document; and the Additional Responses and Information for the Final EIR; and other information added by the County based on comments directed to the EIR as specified in the record.

The Final EIR analyzes and evaluates a series of actions for approval and development of a residential subdivision and golf course on property owned by the applicant, Bishop Ranch Monterey County. The approval actions analyzed in the Final EIR include amendments to the Greater Monterey Peninsula Area Plan ("GMPAP") (a portion of the Monterey County General Plan), rezoning, and a Combined Development Permit pursuant to the Monterey County Zoning Ordinance including vesting tentative map approval, and use permits for the golf course, water treatment facility expansion, and for development on slopes over 30%.

Information added to the EIR after public notice was given of the availability of the Draft EIR for public review is not significant new information and does not change the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial or adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponents have declined to implement. Such information added to the EIR merely clarifies or amplifies or makes insignificant modifications to the EIR.

The Final EIR reflects the independent judgment of the County of Monterey.

2. **FINDING: Potential Environmental Effects of the Project:** The Final EIR analyzes a proposal for the necessary GMPAP amendments, rezoning, and related approvals for 257 residential units and a golf course with related improvements as contained in the original vesting tentative map submitted for the Bishop Ranch Subdivision. The Final EIR recommends mitigation measures to reduce the potential significant effects of this proposed project, and evaluates alternatives that would reduce or eliminate significant effects. As detailed later in these Findings, an alternative design analyzed in the Final EIR, with modifications, has been selected for approval over the proposed project in order to mitigate the significant environmental effects of the proposed project. This alternative consists of the subdivision of the 564.7 acre parcel into 253 residential units (160 single-family parcels, 38 moderate and low income parcels and 55 structured housing unit parcels) as well as a golf course and related improvements. This project alternative was analyzed in the Final EIR as "Alternative Redesign A."

The potential significant environmental effects of development of the proposed project analyzed and identified in the Final EIR are as follows:

- A. **Geology and Soils:** The project site is expected to experience severe ground shaking during its lifetime. The project site is also subject to other geological hazards such as erosion, increased run-off and slope failure. The proposed project would be subject to damage from these geological hazards. The majority of the project site has moderate to high erosion potential. Slopes greater than 30 percent are subject to severe erosion hazards. Grading activities and surface water run-off at the project site will result in moderate to severe soil erosion. Additionally, the expansive nature of project site soils may result in damage to proposed buildings, foundations, and underground facilities.
- B. **Hydrology:**
- (1) **Surface Water:** Development of the project site will change the hydrologic characteristics of the watershed, thereby increasing impervious surfaces which attribute to increases in storm water quantities and flow rates. The net increase from post-development run-off generated by the 10-year storm event would be approximately 49 cfs. The net increase from post-development run-off generated by the 100-year storm event would be approximately 110 cfs. The realignment of Boots Road

with the proposed project entry at Highway 68 may result in alterations to the stream bed of Canyon Del Rey Creek within the 100-year flood area.

- (2) **Groundwater:** Impacts to groundwater quality are limited to potential degradation associated with wastewater, treated wastewater use for irrigation, and surface water run-off. The proposed project's parking lots, maintenance yards, roadways, and golf course are potential sources of urban contaminants which will flow into the proposed detention basins where they could contaminate the groundwater through percolation.

The estimated water supply of the Laguna Seca Subarea groundwater basin is approximately 968 af/y. With an approximate build-out demand of 637.7 af/y without the proposed project, existing surplus equals approximately 322.2 af/y. The project net water demand is approximately 157.9 af/y, leaving an overall surplus of 164.6 af/y. Water conservation measures are part of the proposed project and required by Monterey County Ordinance. In addition, the project as proposed incorporates the use of detention ponds to capture run-off to recharge the groundwater basin, and the use of reclaimed water for golf course irrigation. Because the proposed project demand maintains a surplus of 164.4 af/y, it does not significantly impact groundwater supply.

- C. **Vegetation and Wildlife:** The project will result in the loss of coastal live oak trees. The project will also result in the loss of rare and endangered plant species associated with development affecting approximately 40 acres of central maritime chaparral on the project site. The proposed realignment of Boots Road over Canyon Del Rey Creek may result in impacts on riparian habitat. The project may cause the disturbance of active nesting sites of the golden eagle, a California species of special concern.
- D. **Traffic and Circulation:** No project-specific significant traffic impacts were identified in the Final EIR. However, the Project may contribute toward cumulative adverse traffic impacts.
- E. **Air Quality:** Project construction could result in short-term violation of applicable air quality standards for PM10 related to fugitive dust from construction activity. Both cumulative and project specific long-term air quality impacts are considered insignificant.
- F. **Noise:** Project related significant noise impacts relate to short-term construction noise which cannot be eliminated because of the nature of the equipment that is used in the grading and construction. External sources of noise, including traffic, activities at Laguna Seca Recreation Area and aircraft operations at the Monterey Peninsula Airport, do not rise to a level of significant impacts.

G. Utilities and Public Services:

- (1) **Water Service:** The project will create an additional demand of approximately 157.9 af/y or 141,012 gpd from the existing water system.
- (2) **Sewer Service:** The project will create a capacity shortage of approximately 17,070 gpd for the existing sewer service facilities of CSA No. 10.
- (3) **Schools:** The project will generate additional students in the Washington Unified School District, which is approaching capacity, and in the Salinas Unified High School District, which is currently overcrowded.
- (4) **Fire Protection service:** Constructing structures at the project site, which lies within a moderate to high fire zone, increases the potential for fire damage and hazards to human health and safety. Cumulative development is expected to generate the need for three additional full-time staff and the need to upgrade equipment at the Salinas Rural Fire District station serving the project site. However, existing funding mechanisms, including augmentation funds under Proposition 172, increased property tax revenue, and the Monterey County Fire Mitigation Fee ordinance, are available to meet the future staffing and equipment needs of the district.

H. Visual Resources: The project includes development of residential units within or near visually sensitive areas such as the East Valley, the entry knoll, the chaparral slopes, and ridge lines. Some units are highly visible from Highway 68, a designated scenic highway. In addition, placement of above-ground water tanks and other utilities could be a significant adverse environmental impact.

I. Land Use Compatibility: Residents of the project may be subject to hazardous levels of methane gas from the closed Laguna Seca Landfill. This exposure to methane gas may occur either through air bound methane gas odor and/or through horizontal methane gas migration in the soils to the proposed project residential units. Proximity of the Laguna Seca Firing range to residents poses a potential significant land use conflict.

J. Archaeological Resources: Bedrock mortars within significant archaeological sites identified on the project site as locus A and B are near proposed development areas. Locus B is located in the area of a swimming pool and terrace and sufficient space was planned around it to protect it. However, due to grading for the proposed Bishop Ranch Road and the structured housing units, Locus A and B could be disturbed or destroyed during grading and construction activities.

3. FINDING: Mitigation of the Potential Environmental Effects of the Project. The foregoing environmental effects may or would occur as a result of the Bishop Ranch Project Subdivision as initially proposed unless appropriate measures are taken in conjunction with its ultimate design and approval to avoid or substantially lessen these environmental effects.

The Board of Supervisors finds that, except as discussed below, with respect to each potential significant environmental effect identified in the Final EIR, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potential significant environmental effects to an acceptable level. As used in these Findings, the term "acceptable level" means a level that is not significant.

In order to eliminate the potential significant environmental effects of ridgeline development, an alternative design, identified as "Alternative Redesign A" analyzed in the Final EIR, has been selected for approval, as refined and modified by proposals agreed to by the applicant and by the conditions of project approval. The Project as approved consists of 253 residential units with 4 lots having been eliminated and certain other lots and golf holes relocated or modified to eliminate visual impacts related to ridgeline development.

Each of the recommended mitigation measures contained in the Final EIR necessary to reduce significant effects have, to the full extent within the power of the County of Monterey, been incorporated into the Project and the Project design or through conditions imposed on the approvals for the Project or will be implemented directly by the County of Monterey. The mitigation measures identified in the Final EIR are applicable to mitigate the potential significant impacts of Alternative Redesign A to the same extent that they would mitigate the potential impacts of the proposed project. The following subsections briefly explain the manner in which each of the recommended mitigation measures have been so incorporated or will be implemented and supply the rationale for the findings contained herein.

- A. Geology and Soils: As a condition of project approval, all recommendations contained in the geological report prepared for the project will be incorporated into the final subdivision maps and final improvement plans. These measures include, but are not limited to, the prohibition of development near seasonal springs or near steep slopes unless a suitable mitigation plan is prepared by a qualified geotechnical engineer. A registered geotechnical engineer is required to conduct a full comprehensive geotechnical report of the areas underlying proposed home sites, the golf course clubhouse, and other proposed structures to develop recommendations for foundation design for the structures. The project proponent is also required to enter into an agreement

with a qualified geotechnical consultant to provide field observation, monitoring, and reporting services to the County during all phases of the development conducted by the applicant. A preliminary erosion control plan has been prepared for the project which includes erosion control measures primarily focusing on the landscape plan. A condition of project approval requires the project proponent to prepare a detailed grading and erosion control plan, incorporating the preliminary erosion control plan, and including methods to retard erosion, slope failure and loss of visual amenities associated with exposed soils. Grading is permitted only when rain is least likely to occur. Rehabilitation of exposed soils is required to occur throughout the year, with increased inspection and maintenance to control erosion during the wet months. The detailed grading and erosion control plan must be incorporated into the final improvement plans, and is subject to review and approval by the Monterey County Planning and Building Inspection Department, prior to approval and recordation of the final subdivision map for each phase of the subdivision.

These measures will ensure that structures and other improvements on the project site will be protected from, and will not contribute to the deterioration of, geological conditions on the project site.

B. Hydrology:

- (1) **Surface Water:** The project includes on site collection and detention of all surface water run-off, resulting in no increase in run-off or subsequent flooding downstream of the project site. A preliminary erosion control plan has been prepared for the project site which includes erosion control measures that primarily focus on a landscape plan. In addition, conditions of project approval require the project proponent to include in the final improvement plans a storm drainage improvement plan which conforms to current engineering practices and which incorporates specific features set forth in the Final EIR. The surface water drainage system is required to be maintained by the proposed project homeowners association. The realignment of Boots Road with the proposed project entry at Highway 68 must be designed and built at least one foot above the 100-year flood plain and to withstand future stream flows in Canyon del Rey Creek. The project proponent is also required to apply for and obtain a General Construction Activity Storm Water Permit from the State Water Resources Control Board prior to issuance of a grading permit. These measures will control surface water drainage and quality during both the construction and operational phases of the project and will substantially reduce or avoid adverse impacts to the streambed within the 100 year flood area related to the Boots Road realignment.

(2) **Groundwater:** Domestic wastewater derived from the project will be reclaimed and used to irrigate the project golf course. The reuse of wastewater for irrigation will reduce impacts to groundwater quality related to wastewater. The project includes storm water retention ponds to capture storm water run-off, which will be used to recharge the groundwater basin. To further reduce the impacts on groundwater quantity, the project proponent is required to comply with all applicable County and MPWMD water conservation requirements. The applicant is prohibited from using groundwater for long-term maintenance of riparian areas and riparian screens or for the man-made creek. In addition, conditions of project approval require erosion and sediment control facilities such as oil, grease, and silt traps at detention ponds. These measures, as well as those designed to mitigate surface water impacts, will substantially reduce or avoid the degradation associated with the flow of surface water into detention ponds and the consequential contamination of groundwater through percolation.

C. Vegetation and Wildlife: The project includes the construction of ponds on the golf course designed to attract water fowl and other wildlife in the area and planting of riparian vegetation along Canyon Del Rey Creek to compensate for impacts of the project to riparian habitat. In addition, conditions of project approval require replacement of coast live oak trees on a two-to-one basis, the preparation by a qualified biologist of a vegetation management plan, compliance by the applicant and future owners with the Forest Management Plan and vegetation management plan prepared for the project, golden eagle surveys by a qualified wildlife biologist prior to the issuance of grading permits to ensure no disturbance of active nests, and the execution of a streambed alteration agreement with the California Department of Fish and Game related to the alterations to Canyon del Rey Creek associated with the Boots Road realignment.

To reduce significant adverse environmental impacts to the rare and endangered species of the central maritime chaparral, the project was earlier redesigned by relocating 12 moderate-income units to an area where this community is less well-developed. The project includes the dedication of 184 acres of permanent open space, including approximately 75% of the central maritime chaparral on the project site, to be dedicated as a scenic easement, and the implementation of a vegetation management plan to restore and enhance the quality of the central maritime chaparral and its associated species to be preserved on site.

D. **Traffic and Circulation:** As conditions of project approval, the applicant will pay traffic mitigation fees, make improvements at the project entrance including signalization, fund and plan the realignment of Boots Road, and dedicate land in the official plan line for Highway 68. These measures will reduce cumulative traffic impacts to a level of insignificance.

E. **Air Quality:** Conditions of project approval require the preparation of a construction plan which includes air pollution control techniques designed to reduce or eliminate fugitive dust emissions and other adverse air quality impacts relating to short-term construction impacts.

The project proponents is also required to prepare an improvement plan for relocating and improving the existing Monterey-Salinas Transit stops located on both sides of Highway 68 at Bit Road and to implement its previously submitted Trip Reduction Check list for the project pursuant to the Monterey County Zoning Ordinance. The project proponent is also required to prepare an energy-efficiency plan for the moderate-income housing and structured housing units, to include a move-in package to be provided to all future residents or lot owners of the proposed project and the installation of energy-efficient, low-Nox heating systems and energy-efficient lighting in all moderate-income housing and structured housing units. Developers of individual residential lots, through Covenants, Conditions, and Restrictions, will be required to install energy-efficient, low-NOx heating systems and energy-efficient lighting. Any builders or homeowners wishing to install cooling equipment will be required to install an energy-efficient, low-NOx system. With these measures, air quality impacts resulting from the project and from cumulative development, although not considered significant, will be reduced.

F. **Noise:** Conditions of project approval require construction activities relating to grading for the golf course and project roadways to be limited to the hours of 7 a.m. to 7 p.m. on weekdays and to be prohibited on weekends. This will eliminate noise impacts at times when they are most likely to adversely affect neighboring residents. The project proponent is also required to deed an avigation easement to the Monterey Peninsula Airport District and to record notices informing future residents of the existence of potential noise sources and noise studies prepared for the project on file with the County.

G. **Utilities and Public Services:**

(1) **Water Service:** The project proponent is required to fund design and construction of an expansion to the existing Bishop Water Company water system to meet the requirements of the County and those of the Salinas Rural

Fire District. These improvements include an increase in the existing water storage capacity by 529,000 gallons by adding two new storage tanks. In addition, conditions of project approval require that the necessary approvals be obtained for the expansion of the water system from the appropriate state and local agencies and that the developer install or bond the water system improvements prior to filing the final map for each phase. These measures will ensure that the increased water demand related to the project can be met by the water system.

- (2) **Sewer Service:** The project proponent is required to make improvements to the existing sewage treatment system, including the following: provide additional peak flow storage capacity and/or larger pump capacity; provide additional capacity in equalization basin, trickling filters, sedimentation basins, final filtration, and various appurtenances; and provide supplemental storage to the wet weather storage pond. Conditions of project approval require that the property be annexed into County Service Area No. 10 and that the developer install or bond the sewer system improvements prior to filing the final map for each phase. These conditions also require that plans for expanding the capacity of the existing sewage treatment system include provision to insure that wastewater treatment processes are not interrupted during system expansion. The design of the system must include solids dewatering equipment and odor and corrosion protection installations in the collection and treatment systems, and must meet applicable Federal, State, and local standards. With these measures, the sewer system will be able to accommodate and treat the increased volume of wastewater generated by the project.
- (3) **Schools:** The planned phasing of the project will reduce impacts of the project on the student populations in the affected school districts. In addition, the applicant will be required to pay all applicable fees which may be required to be paid under state and local law. These fees, as limited by statute, will substantially reduce the impacts of the proposed development on school facilities.
- (4) **Fire Protection and Ambulance Service:** The recommendations of the Salinas Rural Fire District have been incorporated as conditions of project approval, including requirements for the design of the expanded water system. These also include the installation of automatic fire sprinklers in all required structures and the design of roadways and driveways to facilitate access and maneuvering by emergency vehicles. In addition, the project proponent has prepared a master landscape plan which includes fuel modification standards for an ongoing Fire Hazard Control Plan to reduce the intensity of a

wildfire by reducing the volume and density of flammable vegetation, especially in proximity to roads, structures, and steep slopes. These measures reduce the risk associated with fire hazards within the project site and ensure that fire crews will be able to respond quickly and efficiently to any fire emergencies which may occur on the project site.

H. Visual Resources: The project proponent has incorporated various topographic and landscape features into the project design to preserve views and to reduce the visibility of homesites from Highway 68. These features include a berm and vegetative screens near the project entrance. The entry landscape design has been refined to lower the proposed berm while maintaining views to the East Valley, and this refinement is effective to reduce potential significant effects to an insignificant level, maintaining an appropriate level of screening while preserving the essential visual qualities along Highway 68. Landscaping and development restrictions, including deed restrictions and zoning, will be utilized elsewhere on the project site to obscure the presence of structured housing units, to eliminate ridgeline development, and to soften the edges of structures on other homesites visible from Highway 68. Conditions requiring certain visually sensitive lots to be zoned "VS" (Visual Sensitivity) or "VS (16')" (Visual Sensitivity-16 foot height limitation) and requiring utilities to be placed underground have been included. Four residential lots have been eliminated and other lots and golf course holes relocated to eliminate ridgeline development and minimize visual impacts through adoption of Redesign A Alternative, as modified in this approval. The pump station currently visible from Highway 68 will be relocated to the west near an existing stand of trees. Conditions of project approval also require the submission of grading and landscaping plans and prohibit fencing to define property lines. These measures will substantially reduce or eliminate visual impacts from Highway 68 and other key viewpoints extended to the site and will preserve the visually sensitive features and quality of the project site.

Mitigation measure number 48 has not been addressed in this approval because it relates to impacts of the golf course clubhouse which are required to be addressed in a future application for a use permit which is required for development of the clubhouse. The present application does not include approval of the clubhouse.

I. Land Use Compatibility: The Monterey Regional Waste Management District has agreed to implement a landfill gas migration monitoring plan, the results of which will be reported to the County. In the event landfill gas migration is identified as a risk to residential units adjacent to the landfill site, the project proponent is required to

incorporate passive/active gas control systems on identified homesites to eliminate any hazards. These measures will reduce the risk to residents of the project site of hazard from migrating landfill gases.

The project design has been refined to rotate the three lots in greatest proximity to the Laguna Seca Recreation Area firing range counterclockwise to allow placement of the structures further below the ridgeline that separates them from the firing range. Conditions of project approval require fences and warning sign in the areas of the project site in greatest proximity to the Laguna Seca firing range. These measures will reduce or eliminate the risk of impacts resulting from the use of the firing range on structures and residents of the project site.

J. **Archaeological Resources:** Conditions of project approval require the surveyance of, and dedication of an archaeological easement around, certain known archaeological resources. The project proponent is required to have the midden associated with Locus A excavated and have an excavation report filed by a certified archaeologist. In addition, the project proponent is required to enter into an agreement with a qualified archaeological monitor to be present during initial clearing, grading, trenching, or other earth moving activities in the areas indicated in the archaeological reconnaissance reports. If significant archaeological resources or human remains are uncovered during construction, the monitor shall have the authority to stop excavations within 50 meters (150 feet) of the find until it can be evaluated and appropriate mitigation measures recommended. These measures will protect known archaeological resources on the project site and will allow evaluation and protection of such resources discovered during construction.

4. **FINDING: Cumulative Impacts:** The Final EIR discusses impacts of the development of the Bishop Ranch Subdivision which, in conjunction with other past, present, and anticipated future projects, may cumulatively have a significant effect on the environment. The areas in which such potential significant cumulative effects are identified in the Final EIR include biological resources, traffic, visual resources, and fire hazards. In approving the project, consideration was given to mitigating such cumulative impacts. The Board of Supervisors finds that the changes in the project, or alterations incorporated into the project by conditions imposed on the approvals of the project reduce potential cumulative impacts related to the project to an acceptable level. The provisions for transportation improvements discussed above and incorporated into the project by the project proponent or as conditions of project approval will

not only serve the needs of the subdivision but will constitute a substantial contribution toward improvements of the traffic conditions on Highway 68 that will be warranted on account of cumulative development, with or without development on the subdivision site. The transportation improvements for which provisions have been made in the approval of the project include the signalization of the intersection of Highway 68 and the project entrance, the Boots Road realignment, payment of traffic impact fees and dedication of land within the Official Plan Line for expansion of Highway 68.

As to cumulative impacts related to biological resources, visual resources, and fire hazards, the mitigation measures and conditions of project approval discussed above, as well as the continued enforcement of applicable ordinances and general plan policies, will reduce potential cumulative impacts to an acceptable level. As conditioned, the project approval includes the necessary provisions to reduce potential cumulative impacts to an acceptable level.

5. FINDING: Approval of the Project:

- A. Alternatives to the Project:** The Final EIR identifies and has evaluated potential alternatives to the proposed project, including alternative uses and alternative sites for the proposed project. The Board of Supervisors has considered these alternatives and finds that specific economic, legal social, technological, and other considerations make infeasible the alternatives identified in the Final EIR, with the exception of the alternative identified as "Alternative Redesign A."

The EIR consultant for the project made the judgment that the loss of any rare and endangered species from the central maritime chaparral community is an unavoidable significant adverse environmental impact. The Board of Supervisors finds, however, that in the regional context this loss is negligible. At Fort Ord, immediately adjacent to the project site, over 15,000 acres, including approximately 10,000 acres of central maritime chaparral with its associated species, will be permanently preserved and managed for habitat enhancement by the U.S. Bureau of Land Management. Such management at Fort Ord is already taking place. The loss of 40 acres of central maritime chaparral on the project site represents just 0.4% of this habitat type in the immediate

vicinity, and an even smaller percentage of the total extent of the central maritime chaparral in existence. This loss does not pose a threat to the continued survival and viability of the rare and endangered species associated with this plant community; in fact, the project will result in the permanent preservation and management of the remaining approximately 130 acres on the project site. For these reasons, the Board of Supervisors finds that the loss of rare and endangered species in approximately 40 acres of central maritime chaparral on the project site is not an environmental basis (or effect) for preferring or finding any of the project alternatives as environmentally superior to the proposed project.

In addition, due to numerous environmental constraints at the project site, the goal of keeping development out of the visually sensitive east valley, the goal of maximizing the supply of moderate income housing in the County, and the goal of maximizing mixed residential, open space, and recreational uses in the area, other alternatives involving further redesign of the project to relocate or eliminate development which would impact central maritime chaparral are infeasible and would not achieve the project objectives. The Board of Supervisors finds that the changes and alterations in the Project as approved and conditioned provide a level of mitigation of impacts on the biological resources of the central maritime chaparral and of all other environmental impacts comparable to that of reducing the number of proposed housing units on the project site.

The findings with respect to the alternatives which follow reflect the foregoing basic findings of the Board of Supervisors.

The Board of Supervisors finds as follows with respect to the alternatives identified and analyzed in the Final EIR:

1. The "No Project Alternative" is infeasible because it is inconsistent with the goal of the County to increase the supply of housing units, including low income and moderate income units in the local housing market and is inconsistent with the project and planning objectives of providing mixed residential and recreational uses on the site. The project site has been planned for development for many years and this alternative would permit no

development, which makes it infeasible for legal considerations as well.

2. The "Residential Only Alternative" is infeasible because it would have essentially the same environmental impacts as the proposed project, without meeting the basic project objectives and planning area goals of providing mixed residential and recreational uses and increasing the amount of useable recreation facilities.
3. The Project as approved is "Alternative Redesign A" analyzed in the Final EIR, as refined and modified by proposals agreed to by the applicant and the conditions of project approval discussed above. This alternative calls for the development of 253 residential lots and the golf course. Major changes which distinguish the approved Project from the project as originally proposed include the elimination of all ridgeline development lots and the redesign of certain areas of lots and golf holes, resulting in 253 residential lots, which fully mitigates visual impacts associated with ridgeline development; the rotation of three lots nearest the Laguna Seca firing range to place them farther below the ridge which separates them from the firing range; and modification of the project entry landscape scheme to further maintain essential visual qualities of the site. As noted in the Final EIR, the environmental effects of the Project as approved will be less than the proposed project, given that the significant visual impacts associated with ridgeline development are eliminated and other environmental effects are also decreased, with the mitigation measures recommended in the Final EIR which are incorporated as conditions of project approval.
4. "Alternative Redesign B" is infeasible at this time because the applicant does not own the Fort Ord property on which the additional four units discussed in this alternative would be constructed.
5. The "Alternative Consistent with the Area Plan" is infeasible because it would introduce significant commercial development and would intensify the level of human activity in an area which is predominantly rural and residential. The development of a hotel and

commercial uses as allowed in the Area Plan would significantly alter the character of the project site and the surrounding area from its rural, residential, and recreational character. It would also add fewer units, including low income and moderate-income units, to the local housing market and would also result in an increase in traffic and visual impacts resulting from the concentration of high density commercial and visitor-related land uses. On balance, given regional preservation of central maritime chaparral, especially on Fort Ord and on the Project site, the loss of a small amount of central maritime chaparral on the Project site and the addition of moderate-income and other housing to the local market is preferable to the increase in traffic and visual impacts and the significant change from the area's current rural, residential, and recreational character presented by this alternative.

6. The "Alternative Locations" (Monterey Ranch and Fort Ord) are infeasible because the applicant does not own the alternative sites and the alternative sites would result in similar adverse visual, biological, and other impacts. The Fort Ord alternative location is infeasible for the further reasons that development on Fort Ord could not be accomplished within a reasonable time and that Fort Ord property presents additional environmental constraints, including unexploded ordnance and toxic contaminants, not presented by the project site.

B. Mitigation of School Impacts: The Board of Supervisors finds that the mitigation measures set forth above, including the payment by the project proponent of School Mitigation Fees and the planned phasing of the project, reduce impacts of the Project on schools to an acceptable level. If for any reason this environmental effect or effects were or are found to be significant, the Board of Supervisors finds that any further mitigation of this or these effects is legally infeasible under California Government Code sections 65995 et seq.

C. Unavoidable Adverse Impacts: The EIR consultant identified one significant unavoidable adverse impact of the Project, i.e., an environmental effect that can be reduced but not to a level of insignificance if development of the subdivision in accordance with the Project is implemented.

Specifically, the EIR consultant made the judgment that the loss of any rare and endangered species from approximately 40 acres of the central maritime chaparral community is an unavoidable significant adverse environmental impact. The Board of Supervisors concludes that, given the dedication and management of 75% of the central maritime chaparral on the Project site as permanent open space and the geologic and other constraints of the project site, the impacts of the Project on the rare and endangered species of the central maritime chaparral have been mitigated to the maximum extent feasible. Further, the Board of Supervisors finds that the loss of rare and endangered species within the approximately 40 acres of central maritime chaparral is negligible. Refer to Finding 5A above.

6. **FINDING:** Statement of Overriding Consideration. All of the mitigation measures recommended in the Final EIR to avoid or reduce the significant environmental effects to an insignificant level have been required and are incorporated into the Project or otherwise provided for as explained in these findings. With respect to the loss of approximately 40 acres of central maritime chaparral and its associated rare and endangered species, refer to Findings 5A and 5C.

The Board of Supervisors finds that any remaining significant effects (including the loss of rare and endangered species within approximately 40 acres of central maritime chaparral on the property site) that are or may be judged or found to be unavoidable for any reason, to be acceptable and has decided to approve the Project because specific economic, legal, social, technological, and other benefits of the Project outweigh its significant environmental effects. The benefits of the project which outweigh its significant environmental effects include the following:

- A. The Project is a preferable use to the commercial development and the development of a major hotel complex in an area that is predominantly rural residential and recreational in character, and avoids the related increased intensity of uses, increased noise and traffic, greater air quality impacts, and higher residential densities which the Final EIR determined would result from development of the project site in a manner consistent with the existing designation of the Greater Monterey Peninsula Area Plan. The Project also avoids significant visual impacts in sensitive viewsheds, including the east valley, which would be unavoidable from development on the Project site consistent with the existing area plan. In addition, the Project as approved is more compatible with surrounding land uses and its

design is more appropriate for the Project site than the uses allowable under the existing area plan. The protection of these values outweighs the negligible loss of central maritime chaparral.

- B. The clustered project, with the medium density residential land use and smaller low density residential lots will reduce the amount of residential land use from 475 acres to 140 acres, leaving a significant portion of the Project site for open space. As a condition of Project approval, the applicant will dedicate 184 acres of the Project site, including approximately 75% of the most sensitive Project site acreage of central maritime chaparral and its associated rare and endangered species, as permanent open space. In addition, the applicant is required to dedicate a scenic easement for approximately 179 acres of golf course open space. As a result, approximately 64% of the project site, including the east valley and other areas within the sensitive viewsheds of the Highway 68 corridor, will be dedicated as open space.
- C. Given the constraints of the site, the Project will provide the maximum amount of affordable housing feasible through the construction of 38 units of inclusionary housing on the Project site. This will have a beneficial impact on the shortage of affordable housing which currently exists in Monterey County. In addition, the project will result in an increase in the supply of housing, including affordable housing, which is from 65% to 70% greater than that which would result from development consistent with the existing area plan.
- D. The Project will provide significant employment opportunities and economic development for the County and its residents during both the construction and operational phases of the Project.
- E. The Project will generate tax revenues and other revenues in excess of per capita County costs, resulting in a net increase in revenue to the County. The revenues generated by the project will be more than adequate to fund the increased demand for County services created by the Project.
- F. The Project effectively balances the competing interests of the applicable general plans, subdivision ordinances, and zoning ordinances by clustering residential lots and units, by avoiding significant impacts on visually sensitive areas such as ridge lines and the east valley, by increasing the supply of affordable housing in the County, by minimizing development on slopes in excess of 30 percent and by minimizing development in the central maritime chaparral. This is accomplished in a manner which would be difficult to improve upon under the

existing area plan or under any other plan for development of the project site.

- G. The Project will contribute to needed improvements (and funds) for Highway 68. The applicant will pay a traffic impact fee toward traffic improvements along the Highway 68 corridor and to dedicate land within the Official Plan Line. Such funds will be applied toward the implementation of measures to improve the operation of the Highway 68 corridor. The applicant will fund the design and construction of improvements and signalization at the intersection of Highway 68 and the Project entrance, including the realignment of Boots Road. These improvements will improve traffic conditions and enhance safety along Highway 68 in the vicinity of the Project site.

7. **FINDING:** Monitoring Program. The County recognizes the requirements of Public Resources Code section 21081.6 which requires the adoption of a reporting or monitoring program designed to insure compliance with mitigation measures during Project implementation. The Board of Supervisors finds that the monitoring program adopted concurrently with approval of the Project is fully adequate to meet the requirements of section 21081.6 and will insure compliance with the mitigation measures identified in the Final EIR during Project implementation.

8. **FINDING:** Applicable to all Actions and Approvals: The above findings apply to the discreet actions and component approval for the entire Bishop Ranch Subdivision Project, both individually and taken as a whole. The findings and evidence that follow in the main body of approval findings address discreet actions or component approvals for the Bishop Ranch Subdivision Project. The following findings and evidence, in addition to supporting discreet actions and component approvals of the project, also constitute findings and evidence supporting the above findings and approval of the Bishop Ranch Subdivision Project as a whole.

REVISED WORDING IN THE GREATER MONTEREY PENINSULA AREA PLAN FOR
PAGES 87, 88, 89, AND 92.

and critical habitat areas are some of the constraints which must be evaluated before development may be authorized as shown on the land use plan.

Major Land Use Recommendations

The following sections describe major recommendations for each of the designations shown graphically on the land use plan (Figure 11). The land uses and designated densities must be reviewed in conjunction with policies of both the General Plan and this area plan. For descriptions of land uses in Carmel Valley and the Coastal Zone, please refer to the Carmel Valley Master Plan and the appropriate LCP document.

Residential

The plan concentrates new residential development in areas which are already committed to some degree of residential development.

Rural density residential is designated south of Highway 68, in portions of the Hidden Hills area and in the Aguajito area at a density of 5+ acres per unit. The Monterra Ranch is shown as rural density residential, 10 acres per unit. The Garvy parcel is shown as rural density residential, 10 acre minimum.

In the countywide General Plan, the low density residential category has a density range of 5 acres per unit to 1 acre per unit. The land use plan designates the central portion of the Hidden Hills area and a small area located just outside the Carmel Valley Master Plan boundary at a density of 2.5 acres per unit. Rancho Mar Monte, located east of Highway 1 just outside the Carmel Valley Master Plan boundary is designated at 1 acre per unit.

A substantial portion of Laguna Seca Ranch East is designated for residential development in the low and medium density categories. A more detailed description of all allowed uses on the Laguna Seca Ranch East property is contained on at the end of this chapter.

The medium density residential category in the countywide General Plan has a density range of 0.99 acre per unit to 0.2 acre per unit. The Josselyn Canyon area and the area between Highway 1 and Hatton Canyon are planned for a density of 0.99 acre per unit. The High Meadow area is also shown in the medium density residential category. In addition, Policy 27.1.5 (GMP) governs development density for the undeveloped portions of High Meadow I.

The Country Club portion of Del Monte Forest is also shown in the medium density range. This area is outside the Coastal Zone and is almost completely built out. Future development will constitute

infilling on lots of record at densities consistent with those of surrounding land uses.

Commercial

Figure 11 shows one area designated as commercial which was not shown on the countywide General Plan. This location is the Laguna Seca Office Park which was approved as a general plan amendment by the Board of Supervisors on December 20, 1983 and is incorporated into the land use plan.

Industrial

All industrial uses shown on the countywide land use plan are retained in the Area Plan. No new industrial uses are shown.

Agricultural

Farmland is retained on the land use map north of Marina near the Salinas River. Minimum parcel size for farmland is 40 acres.

Permanent grazing is retained in the area north of Marina and east of Carmel Valley Village. Minimum parcel size for these areas is 40 acres. South of Carmel Valley, permanent grazing is retained at a 160 acre minimum parcel size.

Rural grazing is shown for Rancho San Carlos south of Carmel Valley and all surrounding areas to the west, south and east. Residential density for these properties is 160 acres per unit.

Resource Conservation

Figure 11 shows resource conservation areas at Tarpey Flat and the southerly portion of Hidden Hills with a 10-acre minimum. If cluster development is proposed, the density allowable is 10 acres per unit.

Areas south of Carmel Valley and north of Los Padres National Forest are shown with a 160-acre minimum parcel size requirement. Clustering is allowed in these areas at a density of 160 acres per unit.

Public/Quasi-Public

All public/quasi-public uses shown on the countywide General Plan are retained as part of the Area Plan. In addition, such use is shown at Laguna Seca Ranch East (to allow a golf course with clubhouse), on the Monterra property (to allow a private recreational and equestrian facility for use of the residents and their guests only) at the SPCA facility (to reflect existing use) and to properly show the Sand City solid waste transfer site as part of the County's Solid Waste Management Plan. The regional sewage treatment plant is also shown.