

Attachment B

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**ATTACHMENT B
DRAFT RESOLUTION**

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

Resolution No.

Resolution of the Monterey County Board of Supervisors to:)
Supervisors to:)
 a. Approve the Combined Development)
 Permit consisting of a Vesting)
 Tentative Map to create 185 residential)
 lots, Use Permit for the removal of 921)
 trees, and Use Permit to allow)
 development on slopes in excess of 30)
 percent; and)
 b. Adopt a Condition Compliance and)
 Mitigation Monitoring and Reporting)
 Plan.)
[PLN070758, Bollenbacher & Kelton (Ferrini)
Ranch), South side of Highway 68, between)
San Benancio Road and River Road, divided)
by Toro Regional Park. Toro Area Plan)
(APNs: 161-011-009, -030, -039, -057, -058, -)
059, -078, and -084; 161-031-016, and -017)])
)

The Ferrini Ranch application (PLN040758) came on for public hearing before the Monterey County Board of Supervisors on December 2, December 9, and December 16, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is Combined Development Permit consisting of: 1) Standard Subdivision Vesting Tentative Map for the subdivision of approximately 870 acres into 185 lots including 168 market rate single family residential lots and 17 lots for moderate income Inclusionary Housing units; three Open Space parcels totaling approximately 700 acres (Parcels A, B, & C), and a parcel for the future development of a visitor center (Parcel D); 2) Use Permit for removal of up to 921 protected Oak trees; and 3) Use Permit for development on slopes exceeding 30 percent. (“Project”). The Project is “Alternative 5” as described in the Environmental Impact Report prepared for the Ferrini Ranch subdivision application, with

minor subsequent modifications based on the recommendations of the Monterey County Planning Commission.

- EVIDENCE:** a) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN040758.
- b) The Vesting Tentative Map, dated November 19, 2014 is attached hereto as Exhibit B and incorporated herein by reference.

2. **FINDING:** **CONSISTENCY/SITE SUITABILITY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) **APPLICABLE PLAN AND APPLICABLE ZONING ORDINANCES**

During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Toro Area Plan (Adopted 09/28/1983 and last amended on 01/06/1998.)
- Toro Area Plan Inventory and Analysis;
- Monterey County Zoning Ordinance (Title 21);
- Monterey County Subdivision Ordinance (Title 19);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents. The project application was deemed complete in April of 2005. Pursuant to Government Code section 66474.2 and the 2010 General Plan Policy LU-9.3, subdivision applications deemed complete on or before October 16, 2007, shall be governed by the plans, policies, ordinances, and standards in effect at the time the application was deemed complete. Therefore, the 2010 Monterey County General Plan (adopted 10/26/2010) does not apply to this subdivision application. References in these findings to the General Plan are to the 1982 General Plan.

b) **SITE DESCRIPTION**

The property is located on parcels fronting on and southerly of Highway 68 between River Road and San Benancio Road encompassing two areas separated by Toro Regional Park. (Assessor's Parcel Numbers: 161-011-009-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000; 161-031-016-000, and 161-031-017-000), Toro Area Plan.

c) **SITE DESCRIPTION (LAND USE)**

The parcels have a land use designation of "Low Density Residential 5-1 acres per unit", which is intended to allow low density residential development. The proposed project proposes a density far below the maximum of 1 acre per unit and is approximately 4.7 acres per unit consistent with the General Plan Land Use Designation.

d) **SITE DESCRIPTION (ZONING)**

The parcels currently lack zoning. The Subdivision Map Act requires

that subdivisions be found consistent with the General Plan. The subdivision can be considered without zoning in place.

- e) Pursuant to Government Code section 65860, the intention of the County Staff is, as part of the 2010 General Plan work program implementing the 2010 General Plan, to apply zoning to this site consistent with the 2010 General Plan designation. In order to address the scenic character of the site, staff intends to propose that the zoning include a 20 foot height limit in the area identified as “Visually Sensitive” in the Toro Area Plan and Visual Sensitivity and Design Control Overlays. This zoning designation would comply with the underlying “Low Density Residential” land use designation and the scenic policies of the 2010 General Plan. Any such zoning of the site would require an ordinance adopted pursuant to the procedures set forth in Government sections 65854 to 65857. Such zoning is not, however, required for approval of this project and would be processed independent of this approval. In the event that the intended Zoning is not adopted, conditions of approval have been added to the Tentative Map requiring that CC&R’s be applied to the development that contain design criteria to protect the visual quality of the area consistent with Toro Area Plan policies (See Finding Nos. 9, 10, and 11).

3. FINDING:

SITE SUITABILITY

The site is physically suitable for the use proposed. The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Monterey County Regional Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Monterey County Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by responsible departments have been incorporated.

EVIDENCE: a)

LAND USE ADVISORY COMMITTEE

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on October 27, 2014. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a development (subdivision) requiring CEQA review (EIR) and includes land use issues that could impact the local community. Consistent with the LUAC guidelines, the LUAC focused their review on visual resources, potential lot design/layout, and impacts related to development within the critical and sensitive viewsheds (landscaping/berming). The Toro LUAC reviewed the project and recommended approval of Alternative 5 (the 185- lot Project that is the subject of this resolution) by a 4-1 vote (3 members absent, 1 member abstained).

- b) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN040758.
- c) Staff conducted various site visits during the review of the project to

verify that the site is suitable for the proposed use.

CONSISTENCY WITH 1982 GENERAL PLAN

4. **FINDING:** **1982 GENERAL PLAN POLICY 26.1.10 -DEVELOPMENT ON SLOPES** – This Policy states: *“The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:*

- A. *there is no alternative which would allow development to occur on slopes of less than 30%; or*
- B. *the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.”*

There are no alternatives which exist to avoid development on Slopes in excess of 30% and the proposed development better achieves the resource protection objectives of the General Plan than attempting to avoid development on slopes in excess of 30% while allowing development on this parcel.

- EVIDENCE:** a) The project includes application for development on slopes exceeding 30%. The project site includes areas that are fairly level separated by areas that have slopes in excess of 30%. The Tentative Map has placed proposed lots, and building sites, on slopes of less than 30 percent. This will allow future lot development without the need for Use Permits for development on slopes greater than 30% and is consistent with the intent of Policy 26.1.10 prohibiting development on slopes in excess of 30%.
- b) The development proposed on slopes in excess of 30% is to provide interior streets and grading associated with installation of subdivision improvements consisting of required roadways, fire safety requirements (water lines/tanks), and undergrounding of other utility lines. The road system has been designed to achieve the maximum amount of resource protection while taking into account the topography of the property, to minimize resource disturbance.
 - c) The only way to develop the site and not encroach into slopes in excess of 30% would be to limit development to the low lying areas adjacent to Highway 68. Highway 68 is a scenic highway and these areas are largely designated as Critical Viewshed in the Toro Area Plan. Development of buildings is not allowed in the Critical Viewshed, so development on these level plains is not consistent with the General Plan. The area identified as the Lupine Field is not in the Critical

Viewshed but is a scenic resource of importance and is being preserved as part of this project.

- d) All remaining undeveloped areas of the project, including those of over 30 percent slope, will be put into permanent open space (approximately 700 acres). This is reflected in Condition 77/MM3.1-1b.
- e) There is no alternative to development on slopes in excess of 30%, as access to areas of the property suitable for residential development requires limited road improvements to cross areas of slopes in excess of 30%.
- f) Per the discussion below (Finding 19 – Use Permit for development on Slopes) the project includes the required discretionary permits.

5. **FINDING:**

1982 GENERAL PLAN POLICY 26.1.9 -RIDGELINE

DEVELOPMENT –The approved project is consistent with the provisions of this Policy which states: *“In order to preserve the County’s scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantial adverse visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas, may be taken into consideration during the subdivision process.* Ridgeline Development is not being permitted as part of this project.

EVIDENCE:

- a) The proposed development areas are located on large open spaces located between the steeper slopes of the site. Proposed lots are located in areas to discourage development on ridgelines and hilltops, therefore eliminating the ability of future structures to protrude above the ridgelines. The majority of the proposed sites have been located on the backside of existing natural topographic features. The project has been conditioned to develop Design Criteria within the CC&R’s to govern development within areas of Visual Sensitivity. As a party to the CC&R’s, the County shall administer the provisions of the design criteria through review of a subsequent discretionary permit based upon the Visual Sensitivity criteria (Condition 20). Any structure which is visible above existing ridgelines will need to be lowered in height or relocated to another area of the lot.
- b) Lots that had the potential to be considered Ridgeline development were relocated prior to map consideration by the Board of Supervisors, per the recommendation of the Monterey County Planning Commission. The Vesting Tentative Map (dated Nov. 19, 2014) before the Board incorporates the relocation of these lots. The rear portion of 42, if developed, could result in ridgeline development; therefore this lot is being reconfigured to have a scenic and conservation easement placed on the rear portion of the lot to preclude vertical development. Lots 49a, and 50 have potential to be ridgeline but can be developed without

creating ridgeline development. A condition of approval requires a note on the Final Map identifying that ridgeline development on these lots is not approved and alternative designs are required to preclude ridgeline development (Condition 14).

- c) The development of the Mesa on the eastern portion of the site could result in Ridgeline Development but the project design includes berms and grading to eliminate the visibility of development on the Mesa, thus resulting in no potential for Ridgeline Development. The berms are not considered prohibited Ridgeline Development because the berms will protect the visual character of the area.

- 6. **FINDING:** **1982 GENERAL PLAN POLICY 26.1.11 – CLUSTERED DEVELOPMENT-** The approved project is consistent with the provisions of this policy which require *“The County shall encourage clustering in all development projects, where appropriate.”*
EVIDENCE: The project design focuses density on areas that are more level and devoid of trees and significant vegetation which places the development in clusters.

- 7. **FINDING:** **1982 GENERAL PLAN POLICY 26.1.18 - PUBLIC FACILITIES –** The approved project is consistent with the provisions of this policy which states, *“Development proposals which are consistent with the land use designation (Figures 13a, 13b, and 13c) may be denied due to factors including, but not limited to, lack of public facilities and services, infrastructure phasing problems, water availability and sewage problems, or presence of environmental and/or plan policy constraints which cannot be mitigated.* The project is served by adequate public facilities providing both water and sewer infrastructure, and is served by adequate public services.
EVIDENCE: a) A Can and Will serve letter has been received from California Water Services Company (Cal-Water) for potable water and from California Utilities for Wastewater treatment. Cal-Water’s Urban Water Management Plan indicates that Cal Water has the capacity to serve the Project.
b) The project is able to obtain public services (emergency response), is located near public services (schools), has adequate water availability (see Finding 21 below), is able to obtain adequate sewage service (see Finding 15 below)..

- 8. **FINDING:** **1982 GENERAL PLAN POLICY 27.1.2 -HAZARDS –** The approved project is consistent with the provision of this policy which states, *“The County shall limit residential development in areas which are unsuited for more intensive development due to presence of physical hazards and development constraints, the necessity to protect natural resources, and/or the lack of public services and facilities.* There are no physical hazards or development constraints which would render the site unsuitable for development.

EVIDENCE: The project site does not present physical hazards, does not lack public services and facilities, and has been designed to protect natural resources to the greatest extent feasible. Adequate water and sewage is provided (see Findings 15(b), 15(c), 21).

CONSISTENCY WITH TORO AREA PLAN

9. **FINDING:** **TORO AREA PLAN POLICY 26.1.6.1(T) -VISUAL SENSITIVITY**
– The approved project is consistent with the provisions of this policy which states, “*Within areas of visual sensitivity as indicated on the Toro Visual Sensitivity Map, no development shall be permitted without a finding by the Board of Supervisors or its designee that such development will not adversely affect the natural scenic beauty of the area. Additionally, areas of visual sensitivity shall be reviewed critically for landscaping and building design and siting which will enhance the scenic value of the area.*” The development will not adversely affect the natural scenic beauty of the area. The visually sensitive areas including ridgelines, mountain faces, hillsides, open meadows, natural landmarks, and unusual vegetation visible from scenic roadways have been retained in their natural state.

- EVIDENCE:**
- a) The project design has avoided the slope faces which dominate the Highway 68 Scenic Corridor, has avoided the scenic flat areas adjacent to Highway 68 and has been conditioned to or designed to preclude development within the Critical Viewshed.
 - b) The proposed project includes development within an area of visual sensitivity. The project has been conditioned to develop Design Criteria within the CC&R’s to govern development within areas of Visual Sensitivity. As a party to the CC&R’s, the County will administer the provisions of the design criteria through review of a subsequent discretionary permit based upon the Visual Sensitivity criteria (Condition 20). As part of implementation of the 2010 General Plan, County Staff intends to propose to the Board of Supervisors to add zoning to the subject site including the Visually Sensitive (VS) and Design Control (D) overlays. The application of these zoning overlays would require full flagging and staking on proposed development areas, prior to approval of additional discretionary and construction permits. The implementation of the zoning overlays would ensure that future development will not adversely affect the natural scenic beauty of the area. Amendment of zoning as part of General Plan implementation is scheduled to be considered in calendar year 2015 but is independent of this project. The project has been conditioned so that the CC&R’s will protect the visual quality of the area.
 - c) The project has been conditioned to include development design guidelines which will be implemented as part of the future review of development. The design guidelines include provisions addressing color, materials, lighting, screening and visibility.

- d) The future development behind the Lupine Field and on the Mesa will be placed behind berms and designed so that development will not be visible from Highway 68 or River Road (Condition 17).

10. **FINDING:** **TORO AREA PLAN POLICY 40.2.5(T) - CRITICAL VIEWSHED**
– The approved project is consistent with the provisions of this policy, which states, *“The County shall require newly created parcels to have building sites outside of the critical viewshed. (ADDED 7/31/84)”*. No building sites are created within the critical viewshed. Critical viewshed areas will be retained in open space.

EVIDENCE: a) Figure 9 of the Toro Area Plan itself is not drawn at a scale to accurately identify the exact location of the critical viewshed, but portrays the general area of the designated “critical viewshed.”. There is a meadow with surrounding hillsides in the vicinity of lots 81-85. Based on the intent of the Toro Area Plan, the line defining the Critical Viewshed in this area should surround this meadow to protect the scenic nature of the meadow and adjacent hillsides. The intent of the Toro Area Plan as explained in the description of Figure 9 (Areas of Visual Sensitivity) is to provide protection to “ridgelines, mountain faces, hillsides, and open meadows,” (page 34) The applicant prepared an exhibit showing the Critical Viewshed in relation to the Vesting Tentative Map that would not center the Critical Viewshed on the meadow but in fact would designate areas hidden by hills as Critical Viewshed. Staff prepared a modified exhibit showing where the Critical Viewshed should be drawn based on the Toro Area Plan language. The Planning Commission recommended that the lots shown in this area be relocated based on the Toro Area Plan policy. The applicant prepared a modified Vesting Tentative Map dated November 19, 2014, showing the relocation of lots from this area. The November 19, 2014 Vesting Tentative Map is in compliance with the Critical Viewshed policy.

- b) Proposed lots in the eastern portion of the project proposed entirely within the mapped Critical Viewshed area have been relocated as shown on the Vesting Tentative Map being considered by the Board of Supervisors.

11. **FINDING:** **TORO AREA PLAN POLICY 40.2.4(T) -100 FOOT SETBACK** – The approved project is consistent with the provisions of this policy, which states, *“The County shall require a 100 foot building setback on all parcels adjacent to County and State scenic routes. The 100 foot setback will also apply to areas designated on the Toro Visual Sensitivity Map (Toro Area Plan, Figure 9) as critical viewshed. This setback is established without causing existing structures to become nonconforming and without rendering existing lots of record unbuildable. Critical viewshed areas shall also have open space zoning applied to the 100 foot setback area. (ADDED 7/31/84) (AMENDED 5/22/90)”* The 100 foot building setback from County and State scenic route and the critical viewshed has been maintained as part of project

design.

EVIDENCE:

Within the project area, three State or County designated scenic roadways exist: Highway 68, San Benancio (western parcel) and River Road (eastern parcel). The revised Vesting Tentative Map dated November 19, 2014 locates newly created parcels outside of the required 100 foot building setback from these designated scenic roadways with the exception of Lots 1a, 1c and 15a (portion). Lots 82-84 are a reconfigured design, with lots 81a, 82a, 83a, and 84a being relocated. Lots 1b, 1c and 16b, 19b, and 20b are newly configured lots in the revised Vesting Tentative Map to account for relocated lots. Additionally, the policy requires a 100' setback from the edge of the critical viewshed. All building areas are located outside of the 100' scenic road and critical viewshed setback.

12. **FINDING:**

1982 GENERAL PLAN POLICY 26.1.4.3 – ASSURED LONG TERM WATER SUPPLY – The approved project is consistent with the provisions of this policy which states “A *standard tentative subdivision map and/or vesting tentative and/or Preliminary Project Review Subdivision map application for either a standard or minor subdivision shall not be approved until:*

- (1) *The applicant provides evidence of an assured long term water supply in terms of yield and quality for all lots which are to be created through subdivision. A recommendation on the water supply shall be made to the decision making body by the County’s Health Officer and the General Manager of the Water Resources Agency, or their respective designees.*
- (2) *The applicant provides proof that the water supply to serve the lots meets both the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code subject to the review and recommendation by the County’s Health Officer to the decision making body.*

EVIDENCE:

- a) The project meets the water quality standards, as indicated in a memo from the County’s Health Officer which states: *The water supply for the Ferrini Ranch subdivision is proposed to be served by the California Water Service Company (CalWater). The water supplier is directly regulated by the State Water Resources Control Board’s Division of Drinking Water (DDW). Environmental Health contacted staff at the regional office of the DDW who has indicated that CalWater is in conformance with the permit issued from DDW and meets the requirements of Title 22 for quality and quantity to supply drinking water to this proposed subdivision (Memo from Environmental Health Bureau to RMA-Planning, dated November 19, 2014).*
- b) The General Manager of the Monterey County Water Resources Agency has provided written confirmation (Memo from Monterey County Water Resources Agency to RMA-Planning, dated November 21, 2014) that MCWRA does recommend that a finding of an Assured Long Term

Water Supply can be made based upon the small amount of water demand for the project in relation to the water use in the basin, and the projects which have been designed and are ongoing to address seawater intrusion.

- c) For more detailed information relative to water quantity please see finding 21.

13. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, Monterey County Regional Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities will be provided. Water will be provided by California Water Services Company through the Salinas District Office, utilizing existing wells within the Salinas Valley Groundwater Basin. Cal-Water has provided a “can and will serve” letter. The Urban Water Management Plan (June 2011) shows that Cal-Water has twice the capacity to provide water than will be demanded in 2040.
 - c) California Utility Service (CUS) will provide sewer service. CUS has the capacity to provide treatment of the effluent from the project. In order to ensure that capacity is maintained, the applicant is required to verify prior to recordation of the final map that the CUS wastewater treatment plant will have sufficient capacity.
 - d) The traffic improvement requirements contained in the Traffic/Transportation section of the EIR that are incorporated into the project as conditions of approval require construction of road improvements that will ensure traffic safety on site and for traffic around the site. Improvements include: improvements to Highway 68 including installation of additional traffic lanes and a traffic signal, which will remove uncontrolled movements on State Route 68 and cut through traffic through Toro Park Estates.

14. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing

- on subject property.
- b) Staff conducted various site visits during the review of the project to verify that the site is suitable for this the proposed use.
- c) There are no known violations on the subject parcel.
- d) Preceding findings and supporting evidence for PLN040758

15. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:
1. That the proposed map is not consistent with the applicable general plan and specific plans.
 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
 3. That the site is not physically suitable for the type of development.
 4. That the site is not physically suitable for the proposed density of development.
 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

None of these findings are made.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Toro Area Plan, and the Toro Area Plan Inventory and Analysis (see Findings 2-10).
 - b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. Section 19.10.030 dictates that minimum lot size shall conform to the standards of the zoning regulations. The General Plan land use designation for the subject properties is Low Density Residential. It is anticipated that the site will in the future receive a Low Density Residential Zoning classification which requires 1 acre minimum lots unless lots are included as part of clustered development. The subdivision proposes to create lots below the 1 acre minimum standard; however the overall density of the development is above the 1 acre per unit minimum and the subdivision clusters lots in more level areas to avoid steep slopes. The subdivision proposes to divide 870 acres into 185 lots, which is 1 unit per 4.7 acres. This is consistent with the General Plan Density and the lot design standards of the LDR Zoning District.
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding 2).
 - d) Environment. The project is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their

habitat. An EIR was prepared for the proposed project. The EIR found that the project would cause significant unavoidable impacts to traffic and greenhouse gas generation. These impacts were not solely the result of the project but are based upon existing conditions that cannot be mitigated. All other impacts were found to be mitigated to a less than significant level. There are listed species identified on site, and mitigation has been proposed in the EIR and incorporated into the project as conditions of approval which will require avoidance, habitat enhancement or replacement to mitigate the impacts to a level of less than significant. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat. Vesting Tentative Map Alternative 5 reduces the density of development, provides additional open space, reduces potential impacts to California Tiger Salamander, and moves lots away from riparian areas and wildlife corridor connection linkages. (See Resolution Certifying the EIR, adopted concurrently by the Board of Supervisors.).

- e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 13).
- f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. The project is estimated to have a total demand of 95 acre feet. Cal-Water will provide water from their wells near Spreckles, which draw water from the 180/400-foot Pressure Subbasin of the Salinas Valley Groundwater Basin. The estimated use of 95 acre feet by this project is approximately .08% of the water in the Pressure area subbasin, and approximately 0.0013% of the water in the Salinas Valley Groundwater Basin as a whole. Cal-Water is a public water purveyor regulated by the State of California to provide potable water to its customers. See more detailed analysis of water supply in Finding 21 – Long Term Water Supply.
- g) Sewage Disposal MCC Sections 19.03.015.K, 19.070.020.J, and 19.10.075 require that provisions shall be made for adequate sewage disposal. Sewage collection will be provided by California Utility Services (See Finding 13).
- h) Easements. The subdivision or the type of improvements will not conflict with easements. No easements, public or private, exist on the project site.
- i) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040758.
- j) Staff conducted various site visits during the review of the project to verify that the site is suitable for the proposed use.

16. **FINDING:** **INCLUSIONARY HOUSING REQUIREMENT** – The subdivision complies with the County’s Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code.

EVIDENCE: a) The proposed project is subject to the Monterey County Inclusionary Housing Ordinance in effect at the time the application was deemed complete, which was April of 2005. The applicable Inclusionary Housing Ordinance, Ordinance #04185, requires developers to contribute 20 percent of the new residential lots or units as very low-, low-, and moderate-income units. This ordinance allows several options for compliance, including payment of an in-lieu fee if the developer demonstrates that specific characteristics of the site such as lack of access to services or potentially high site maintenance costs make the site unsuitable for households at the required income levels. The 20 percent contribution equates to a total of 42 inclusionary units at different income levels. To satisfy this requirement, the project proposes to create 17 lots that will be deed-restricted to homes affordable to moderate income households with the remaining 25- unit obligation being satisfied through payment of in-lieu fees for a total payment \$4,015,250 (\$160,610 per inclusionary unit, 25 units required). Therefore the proposed project is consistent with the Monterey County Inclusionary Housing Ordinance.

b) Specific characteristics of the site make it unsuitable for on-site very low and low income households. The site is not located within a half-mile of required public services such as a full-service grocery store, pharmacy, medical clinic(s), regular transit service or schools. The project site is not appropriate for the construction/development of very low- and low-income housing units according to the testimony and letters submitted by affordable housing developers CHISPA and Mid-Peninsula Housing. According to them, it would be difficult to obtain financing to develop low and very low income housing on the project site because low and very low income units are typically subsidized by tax credit financing which has certain criteria for development including proximity to shopping and services. Pursuant to County’s Inclusionary Housing ordinance, in-lieu fees must be spent “for assistance in the development of affordable housing within the County.” (MCC section 18.40.130.A.) Substitution of in-lieu fees for on-site units is more likely to result in affordable housing for very low and low income households given the difficulties of obtaining tax credit financing to build very low and low income housing on the project site.

17. **FINDING:** **RECREATION REQUIREMENT** – The subdivision complies with the County’s Recreation Requirements as codified in Chapter 19.12 of the Monterey County Code.

EVIDENCE: MCC Section 19.12.010.E.1, states: If there is no park or recreational facility designated in the General Plan for the immediate and future needs of the residents of the subdivision, the subdivider shall either dedicate land in the amount provided in Section 19.12.010D or pay a fee

in lieu of dedication equal to the value of the land prescribed for dedication in Section 19.12.010D and in an amount determined in accordance with the provisions of Section 19.12.010G. There is not a park or recreational facility designated in the General Plan for the subject site and the applicant is being required to pay in-lieu fees in accordance with the provisions of the ordinance. A condition of approval has been placed on the project to require applicant to pay in-lieu fees prior to the recordation of the final map. Therefore the proposed project is consistent with Monterey County Recreation requirements.

18. **FINDING:** **TREE REMOVAL** –The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts. The project includes application for the removal of a maximum of 921 Oak trees. In accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the criteria to grant said permit has been met.
- EVIDENCE:** a) Toro Area Plan Policy 7.2.3 promotes the preservation of oak trees, by discouraging the removal of healthy oaks with diameters in excess of eight inches. Although oaks in excess of eight inches are proposed for removal, the Forest Management Plan prepared for the project identified that nearly 29,300 total trees are on site, and the removal of the 921 will not be detrimental to the overall health of the remaining trees. Additionally, approximately 25% of the trees proposed for removal, or 230 of the 921 trees, are suffering from excessive decay, breakage or low-health.
- b) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The proposed lot and road pattern has been designed around the healthy stands of oaks to assist in the screening of potential building sites. However, proposed infrastructure development, specifically the development of internal roadways, will require removal of oaks due to grading and road cuts.
- c) The EIR prepared for the project identified the removal of oaks and the loss of oak woodland habitat to be a potential significant impact if mitigation measures were not incorporated. The EIR proposed two mitigation measures to reduce the impact to “less than significant”, and determined that implementation of the mitigation measures (MM 3.3-6a and 3.3-6b) would keep removal of coast live oak to the minimum necessary for development by requiring field verification and modification of construction plans to preserve healthy trees, and requiring removed trees to be replaced at 1:1 after construction activities. Additionally, protective fencing is required to be placed along driplines of remaining trees to keep construction activities and materials away from the critical root zone(s). These mitigation measures have been incorporated as conditions of approval of the Project.

- d) Best Management Practices for tree protection during construction have been incorporated as conditions of approval and include the following: tree protection zones; no storage of equipment or construction materials or parking of vehicles within tree rooting zones; no pruning of roots; and monitoring by qualified forester, certified arborist, or tree professional.
- e) Staff conducted various site visits during the review of the project to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.

19. **FINDING:** **DEVELOPMENT ON SLOPE IN EXCESS OF 30%** – The project includes development on slopes in excess of 30% and there is no feasible alternative which would allow development to occur on slopes of less than 30%.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Toro Area Plan and 1982 Monterey County General Plan a Use Permit is required and the criteria to grant said permit have been met.
 - b) The project includes application for development on slopes exceeding 30%. Proposed lots, including potential building sites, have been located on slopes of less than 30 percent.
 - c) To access areas of the property determined suitable for residential development, limited areas of 30 percent slope must be crossed by infrastructure, such as roads and utilities. The areas of 30 percent slope where development is allowed consist of required roadways, fire safety requirements (water lines/tanks), and undergrounding of other utility lines. The road system has been designed to achieve the maximum amount of resource protection while taking into account the topography of the property, to minimize resource disturbance.
 - d) All remaining undeveloped areas of the project, including those of over 30 percent slope, will be dedicated into permanent open space (approximately 700 acres).
 - e) The project planners conducted site inspections on numerous occasions.
 - f) The subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Toro Area Plan and the project design better achieves the goals and policies contained within the 1982 General Plan (See Finding 4)
 - g) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040758
 - h) The Monterey County Zoning Ordinance (Title 21-Inland) requires that “no feasible alternative” exist to development on slopes in excess of 30% while the General Plan Policy 26.1.10 in the 1982 General Plan states that “no alternative” exist to development on slopes in excess of 30%. The proposed project complies with both the “no alternative” and “no feasible alternative” requirements, as access to the developable areas of the project site require limited roadway development on steeper

slopes.

20. **FINDING: WILDFIRE PROTECTION STANDARDS IN STATE RESPONSIBILITY AREAS** – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.
- EVIDENCE:**
- a) The proposed project is within the Monterey County State Responsibility Area.
 - b) Two emergency access points, in addition to the main access point have been designed to allow emergency ingress and egress to the project site. The emergency access area/roadways shall be designed to standard as set forth by the responsible fire agencies.
 - c) The subject site has historically been grazed reducing the threat of grassland fires. The cattle grazing operations will continue after implementation and development of the project site; this continued grazing will reduce the available fuel load relative to the potential for grassland fires within the area.
 - d) Required clearance and defensive spaces will be required to be maintained around developed properties, subject to the applicable regulations from the responsible fire agency.
21. **FINDING: ASSURED LONG-TERM WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM:** The project has a long-term water supply, both in quality and quantity, and an adequate water supply system to serve the development.
- EVIDENCE:**
- a) The project will receive potable water from California Water Services Company (Cal-Water). According to Figure 21-3 and Appendix B of the 2011 Urban Water Management Plan (UWMP), the eastern portion of the project site is located within the Indian Springs/Salinas Hills/Buena Vista service area of the Salinas District. Cal-Water prepared an UWMP which identified that Cal-Water has the capacity to provide 50,000 acre feet of water per year; however their customer demand through the year 2040 is 25,572 acre feet per year; therefore the capacity to serve the project is available.
 - b) The 212 unit original project was estimated to have a total demand of 95 acre feet. Cal-Water will provide water from their wells near Spreckels. Those wells draw water from the 180/400-foot Pressure Subbasin of the Salinas Valley Groundwater Basin. The EIR found this demand on the subbasin to be less than significant. The General Manager of the Monterey County Water Resources Agency has recommended that a finding of an assured long term water supply can be made based upon the small amount of water demand for the project in relation to the water use in the basin, and the projects which have been designed and are ongoing to address seawater intrusion. The overall annual demand on the Pressure subbasin is approximately 117,242 acre feet per year, of which 19,101 is attributed to urban development. The total storage capacity of the Pressure subbasin is 6.8 million acre feet, while

approximately 19 million acre feet are stored within the Salinas Valley Groundwater Basin as a whole. The estimated use of 95 acre feet by this project is approximately .08% of the water in the Pressure area subbasin, and approximately 0.0013% of the water in the Salinas Valley Groundwater Basin as a whole.

- c) The Salinas Valley Groundwater Basin, including the 180/400-Foot Aquifer subbasin, is in overdraft and has experienced seawater intrusion. The Monterey County Water Resources Agency (MCWRA) and the Monterey Regional Water Pollution Control Agency (MRWPCA) operate two major capital projects, Salinas Valley Water Project (SVWP) and the Salinas Valley Reclamation Project (SVRP), to provide better management of groundwater quality and halt the long-term trend of seawater intrusion and groundwater overdraft.
- d) The subject property is included within Zone 2c. Zone 2 was the benefit zone originally defined for the Nacimiento Reservoir, which was built in 1957. Zone 2A was the benefit zone defined for the San Antonio Reservoir, which was built in 1967. Zone 2/2A was expanded to include Fort Ord and Marina in the 1990s (including the subject site.) Zone 2B is the benefit area for the Castroville Seawater Intrusion Project (CSIP) project near Castroville. Zone 2C is the benefit zone defined for the Salinas Valley Water Project and new reservoir operations. These regional improvements were developed to better manage groundwater resources within the Salinas Valley Groundwater Basin. The project site is within Zone 2C, and the property owner pays Zone 2C assessments. Accordingly the owner is making a fair share contribution toward these groundwater management projects, which include the two reservoirs, and the SVWP.
- e) The Monterey County Water Resources Agency and as its predecessor, the Monterey County Flood Control and Water Conservation District, implemented a long-term strategy to combat Seawater Intrusion. The strategy was (and is): 1) develop a new water source, 2) move that new water to the coast to replace the water being pumped, and 3) stop pumping along the coast. The strategy has been implemented by the following projects: 1) new water source: Nacimiento and San Antonio reservoirs, 2) move that new water to the coast to replace pumping: the Salinas Valley Water Project (SVWP), and 3) stop pumping along the coast: Monterey County Water Recycling Projects. This “Project Suite” is the foundation of the projects to stop seawater intrusion; though more are necessary and are currently being worked on. Additional projects include: A) the Salinas River Stream Maintenance (which helps with flood control, though it also removes vegetation from the channel that uses water, thus not allowing the water to be delivered to the coast), B) the Monterey County RCD Arrundo removal project (same premise as previous project, Arrundo is presumed to transpire somewhere between 40,000 and 60,000 acre-feet of water per year), C) the Interlake Tunnel Project, and D) the SVWP Phase II, which is currently scheduled to be on line in 2026.

- f) The MCWRA continues to monitor groundwater levels within the basin in order to assess the long term effect of current management efforts and water supply projects over wet and dry years, including the SVWP. The most recent MCWRA groundwater data (2013) demonstrates near-term benefits of these management efforts, with an understanding that monitoring will be ongoing.
- g) Although the proposed project will cause an increase in demand on the Salinas Valley Groundwater Basin, it would not be to a level that wasn't already analyzed and disclosed through preparation of the UWMP or the SVWP.
- h) The SVWP provides additional releases of water to the Salinas River upstream, which provides recharge to the groundwater aquifers, increasing the amount of subsurface water. The CSIP/SVRP supplies irrigation water to farmlands in the northern Salinas Valley, allowing the farmers to reduce pumping a like amount, which counteracts the seawater attempting to intrude the aquifers thus reducing the advance of seawater intrusion.
- i) The Ferrini Ranch project site would be served by wells that are located within the 180-/400-Foot Aquifer Subarea (also referred to as MCWRA's Pressure Subarea) of the Salinas Valley Groundwater Basin and the project site is located within Zone 2C, which means the wells and water source that would serve the proposed project are served by the projects managed by MCWRA to address seawater intrusion, and the property owner is assessed fees to fund these projects. Through payment of the Zone 2C fees, the property owner funds its proportionate fair share towards regional improvements to help better manage the basin as a whole. This is similar to paying toward Regional Development Impact Fees for roadway network improvements mitigating for cumulative traffic impacts.
- j) Cal-Water provided a will serve letter in 2004, pending the Public Utilities Commission (PUC) approval of the expansion of the Salinas area district. The annexation has not yet occurred. The PUC approval process requires Cal-Water to document their ability to serve the annexed service area with existing resources while remaining consistent with statewide demand reduction policies. If the annexation were not approved, there would be no water to serve the development proposed on the western portion of the project, and no building permits would be issued for those lots. For this reason, a condition is added to the Tentative Map requiring that no final map creating lots within the Cal-Water service area can be recorded until the lots outside of the service area have been annexed by California Water Service Company (Condition 18).
- k) The water quality for the water source complies with all requirements of Chapter 15.04 of the Monterey County Code and Chapter 15 of Title 22 of the California Code of Regulations. Water will be provided by California Water Service Company, a public water provider, regulated by the PUC. Cal-Water is required to provide potable water which

meets or exceeds all applicable water quality standards. The Environmental Health Bureau found that Cal-Water is in compliance with drinking water standards.

- 1) Cal Water has the capacity and ability to provide the project with sufficient water supply and pressure for fire suppression needs, as required by 1982 General Plan Policy 17.3.4. Monterey County Regional Fire Protection District reviewed and conditioned the project to provide adequate fire flow and the installation of hydrants as required under State Fire Code (Conditions 38 and 39).

22. **FINDING:**

REDUCTION OF DENSITY WHEN A PROJECT COMPLIES WITH APPLICABLE GENERAL PLAN – Section 65589.5(j) of the California Government Code requires the following specific findings be made if the County disapproves or requires a reduced density for a proposed housing project which complies with the applicable General Plan and Zoning standards in effect that when the application was deemed complete:

1. The housing development would have a specific, adverse impact upon the public health or safety unless the project is disapproved or the density is reduced: and
2. There is no feasible method to satisfactorily mitigate or avoid the adverse impact other than disapproval of the project or reduction of density.

- EVIDENCE:**
- a) The originally proposed 212 unit project would have a specific, adverse impact upon the public health or safety unless the density is reduced and there is no feasible method other than reduction of density to mitigate or avoid the impact. The original 212 lot proposal included the development of 23 market rate clustered lots and 43 inclusionary units (66 total units) in an area approximately 13 acres in size with one access road off Road 117. This high density of development and the anticipated traffic generation level resulting from this amount of units in a relatively small area with limited site visibility at the access point would result in significant public health and safety issues. Additionally, the lack of public services for the very low and low income lots that were part of the 212 lot proposal would result in the units never being built or not having access to adequate public services. The Project being approved, denoted as Alternative 5 in the EIR, reduced the number of lots by 27 to an overall total of 185. Of the lots reduced, 25 were proposed to be for low and very low income units. This reduction in density resulted in a proposal for 17 lots for moderate income inclusionary housing units on approximately 3.5 acres, thereby reducing the amount of future traffic generation in close proximity to Road 117. It has been confirmed by non-profit organizations that specialize in inclusionary housing that the subject inclusionary housing site would not qualify for low and very low income tax credit financing because of its remote location away from shopping, services and public transportation. Based on these circumstances, the project has been

required to pay in-lieu fees for the low- and very-low income units. Pursuant to County’s Inclusionary Housing ordinance, those in-lieu fees must be spent “for assistance in the development of affordable housing within the County.” (MCC section 18.40.130.A.) Substitution of in-lieu fees for on-site units is more likely to result in affordable housing in a better location for very low and low income households.

23. **FINDING:** **PROCEDURAL BACKGROUND** – The project has been processed in compliance with state law and County regulations.
- EVIDENCE:**
- a) On March 24, 2005, Bollenbacher & Kelton, Inc., filed an application with Monterey County Planning Department for a Combined Development Permit, including a Standard Subdivision Vesting Tentative Map, for the subdivision of approximately 870 acres into 146 clustered market-rate single family residential lots on approximately 178 acres, 43 inclusionary housing units and 23 clustered market rate single family lots (averaging 5,000 square feet) on approximately 13 acres, agricultural industrial uses on approximately 35 acres, and roadway improvements on approximately 43 acres, with approximately 600 remaining acres of open space. The proposed project would involve grading of approximately 92 acres of earth area in phases over multiple years (240,390 cubic yards of cut and 225,310 cubic yards of fill). A maximum of 921 coast live oak trees would be removed. The project is set on two large land areas that are separated by Toro County Park. The original application included a request for a General Plan amendment and zoning for Parcel D.
 - b) The Combined Development Permit was deemed complete in April 2005.
 - c) A Draft Environmental Impact Report (“DEIR”) was prepared in accordance with CEQA and circulated for public review from August 27, 2012 through October 22, 2012 (SCH#: 2005091055). Based upon the comments received on the DEIR, a Recirculated Draft EIR (RDEIR) was prepared for four sections (Air Quality, Biological Resources, Greenhouse Gas Emissions and Climate Change, and Alternatives). The public review period for the RDEIR was from July 1, 2014 until August 18, 2014. The County prepared a Final EIR for the project, which was released to the public on October 1, 2014 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR and RDEIR. The County has considered the comments received during the public review period for the DEIR and RDEIR, and in the FEIR the County has provided responses to the comments received. Together, the DEIR, RDEIR and FEIR constitute the Final EIR on the project. Prior to adopting this resolution approving the Project, the Board of Supervisors considered the information contained in the Final EIR and, by separate resolution, certified the Final EIR, adopted CEQA findings related to each potential significant environmental effect of the project, and adopted a statement of overriding considerations. (Board of Supervisors’ Resolution No. __,

adopted ____.)

- d) The Alternatives section of the RDEIR identified Alternative 5 as the Environmentally Superior alternative. Alternative 5 is labeled as the Reduced Impact/Reduced Unit Count Subdivision Design and includes the following important design considerations:
- 1) Reduction in lots (lots for 185 units; 168 market-rate units and 17 moderate income units).
 - 2) Reduction in Parcel D size (11.8 acres) and conversion of use from agricultural industrial to visitor center.
 - 3) Reduction in lot sizes and reduction in development footprint,
 - 4) Increase open space by approximately 101 acres,
 - 5) Signalized intersection on SR-68 (New Torrero) and widening of Highway 68

The revised Vesting Tentative Map (dated November 19, 2014) under consideration by the Board of Supervisors reflects Alternative 5, with minor modifications as recommended by the Planning Commission to remove lots from the Critical Viewshed and relocate lots that had the potential to be considered Ridgeline development.

- e) The project was brought to public hearing before the Monterey County Planning Commission on October 8, October 29, and November 12, 2014 for the Planning Commission to make a recommendation to the Board of Supervisors on the EIR and the Ferrini Ranch subdivision application. On November 12, 2014, the Planning Commission recommended the Board of Supervisors certify the EIR; approve the Combined Development Permit consisting of Vesting Tentative Map for Alternative 5, a Use Permit to allow the removal of 921 trees, and Use Permit to allow development on slopes in excess of 30 percent; and deny the General Plan amendment and zoning request. (PC Resolution Nos. 14-043, 14-044, and 14-045).
- f) The Combined Development Permit application was brought to public hearing before the Board of Supervisors on December 2, December 9, and December 16, 2014. At least 10 days prior to the public hearing on December 2, notices of the public hearing before the Board of Supervisors were published in the *Monterey County Weekly* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties. The applicant and all members of the public were afforded the opportunity to testify at the public hearing. The Board continued the hearing (closed) to December 9, at which time the public was afforded the opportunity to testify as to new proposed conditions. On December 9, the Board adopted a resolution of intent to approve the project and continued the hearing to December 16 to enable staff to bring back final resolutions for Board action and vote.
- g) Staff Report, video and minutes of Planning Commission and Board of Supervisors, information and documents in Planning file PLN040758,

records related to the Board of Supervisors' December 2, December 9, and December 16, 2014 hearings in the files of the Clerk of the Board of Supervisors.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Approve the Combined Development Permit consisting of: 1) a Standard Subdivision Vesting Tentative Map (dated November 19, 2014) for Alternative 5-PC for the subdivision of approximately 870 acres into 185 lots including 168 market rate single family residential lots and 17 moderate income lots for Inclusionary Housing units; three Open Space parcels of approximately 700 acres (Parcel A, B, & C), and parcel for the future development of a visitor center (Parcel D); 2) Use Permit for the removal of 921 trees; and 3) Use Permit to allow development on slopes exceeding 30 percent, subject to the conditions of approval attached hereto as Attachment C.1 and in substantial conformance with the Vesting Tentative Map attached hereto as Attachment C.2, both being incorporated herein by reference; and
- b. Adopt the Condition Compliance and Mitigation Monitoring and Reporting Plan (Attachment C.1).

PASSED AND ADOPTED on this December 16, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, 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 of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

Monterey County RMA Planning

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

PLN040758

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Combined Development Permit (PLN040758) consists of: 1) Standard Subdivision Vesting Tentative Map for the subdivision of approximately 870 acres into 185 lots including 168 market rate single family residential lots and 17 moderate income lots for Inclusionary Housing units; three Open Space parcels of approximately 700 acres (Parcels A, B, & C), and parcel for the future development of a visitor center (Parcel D); 2) Use Permit for removal of up to 921 protected Oak trees; and 3) Use Permit for development on slopes exceeding 30 percent. The property is located on and southerly of State Highway 68, encompassing two areas separated by Toro Regional Park. The eastern portion is bound by River Road and the western portion is bound by San Benancio Road (Assessor's Parcel Number 161-011-009-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000; 161-031-016-000, and 161-031-017-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number 14- was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number's: 161-011-009-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000; 161-031-016-000, and 161-031-017-000 on December 16, 2014. The permit was granted subject to 136 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

3. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and RMA - Planning within 24 hours.
- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.
- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendant identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist for on-call archaeological services should resources be discovered during construction activities. Submit the letter to the Director of the RMA – Planning for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

Prior to Final, the Owner/Applicant, per the Archaeologist, shall submit a report or letter from the archaeologist summarizing their methods, findings, and recommendations if their services are needed during construction or if no resources were found.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

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

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

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

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

Responsible Department: RMA-Planning

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

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

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

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

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

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

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

7. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

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

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

8. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

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

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

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

9. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

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

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

10. PD013 - STREET LIGHTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Street lights on poles are not permitted within the subdivision. If lighting is necessary it shall be placed on low profile bollards directing light only down on the road. Any street lights in the development shall be approved by the Director of RMA - Planning. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits for street lights, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

11. PD015 - NOTE ON MAP-STUDIES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet to be recorded with the final map stating the Name of the specified report, Date of the report, report preparer Name, that the report is on file in Monterey County RMA - Planning and that the recommendations contained in said report shall be followed in further development of this property. The note shall be located in a conspicuous location, subject to the approval of the County Surveyor.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of final/parcel map, the Owner Applicant shall submit the final map with notes to the RMA - Planning and RMA - Public Works for review and approval.

12. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of grading permits, the applicant shall submit for review and approval by the RMA-Director of Planning, a tree replacement/relocation plan providing criteria and standards for required replacement and/or relocation of trees approved for removal. The plan shall contain the following information:

- Number of trees to be removed;
- Replacement ratio of trees to be replanted;
- Locations of replanting and relocations;
- Replacement trees shall be located within the same general location as the trees being removed; and
- Monitoring plan to ensure viability of replacement trees.

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

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

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

13. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection to RMA-Planning for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to RMA-Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

14. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

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

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

15. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact RMA-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

16. PDSP01 - ANNEXATION OF PROPERTY INTO CAL-WATER SERVICE AREA

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of any Final Map, the Applicant/Owner shall provide proof that the entirety of the project area (eastern and western portion) has been annexed into the California Water Services Company (Cal-Water) Salinas District service area.

Compliance or Monitoring Action to be Performed: The Applicant/Owner shall submit proof to the Director of RMA-Planning, demonstrating that California Water Services Company (Cal-Water) has appropriately annexed the entirety of the property (east and west portions) into the Salinas District service area.

17. PDSP002 - LUPINE FIELD DESIGN CRITERIA

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The grading of the Lupine Field will be designed to achieve visual screening of the proposed development around the perimeter of the Lupine Field and retain the existing character of the Lupine Field by achieving the following design objectives:

1. The new berm shall be designed to retain the natural overall character of the Lupine Field, including the gentle slope of the site and preserve as large an area of visual lupine growth as possible visible from Highway 68.
2. The new high point in the Lupine Field shall be capable of completely screening new homes and associated development on lots 16-21 and 24-28 from view on Highway 68.
3. A re-vegetation plan shall be prepared by a County approved biologist to preserve the existing seedstock and re-establish the lupine field's existing quality. The re-vegetation plan shall include an assessment of the population density of the existing lupine and provide success criteria to be met on a yearly basis in re-establishing the Lupine Field. The re-vegetation plan shall remain in place until the success criteria have been met for two consecutive years.

Compliance or Monitoring Action to be Performed: Prior to issuance of any permits or recordation of the applicable Final Map, the design of the Lupine Field grading and re-vegetation plans shall be reviewed and approved by RMA-Planning.

18. PDSP003 RIDGELINE DEVELOPMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map that Lots 30b, 49a, and 50 are not approved for ridgeline development and the home design must not result in ridgeline development. In addition a portion of Lot 42 if developed would result in Ridgeline development and this lot either needs to be reconfigured to preclude ridgeline development or have a scenic and conservation easement placed on the rear half to preclude vertical development. Relocated lots shall be placed in areas that are either proposed for existing lots by compressing lots or in areas where slopes are less than 30 percent, such as the area behind Lot 40b and the area between lots 70 and 80, and not in areas which have sensitive biological resources.

Compliance or Monitoring Action to be Performed: These changes shall be shown on the final map.

19. PDSP005 - DESIGN CRITERIA

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CC&R's shall establish design criteria for development of lots within areas of Visual Sensitivity. The County shall be made a party to the design criteria within the CC&R's and shall administer the provisions of the design criteria through review of a discretionary permit (Administrative or Use Permit) based upon Visually Sensitive criteria. The Design Criteria shall include the following provisions:

1. Building height shall not exceed 20 feet above average natural grade.
2. The structures shall be of a low profile design, using the natural topography and vegetation to minimize visibility and reduce visual impacts.
3. Structure colors shall be natural earth tones. No white colors or bright colors contrasting with the natural setting are permitted.
4. Materials shall use finishes that minimize reflective surfaces.
5. Lighting shall be carefully controlled to maintain the quality of darkness.

Compliance or Monitoring Action to be Performed: The Design Criteria shall be placed within the CC&Rs and recorded on the property with recordation of the Final Map.

20. PDSP006 - BERM DESIGN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The berms on Parcel D shall be designed and constructed to maintain the existing slopes and topographic features of the natural hillside. The berms shall appear as a continuation of the existing slopes and natural landforms. The berms shall be capable of completely screening future buildings from view. The height and design of the berms shall be demonstrated by flagging and staking in the field prior to approval of the improvement plans. The design of the berms shall be shown on the grading and improvement plans, and berms shall be installed as part of the subdivision improvements.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading permits, the design of the berms shall be shown on the improvement plans, and berms shall be installed as part of the subdivision improvements.

21. PDSP007 - SOUND ATTENUATING WALL/BERM

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: As part of the Improvement Plans for the installation of the Highway 68 widening, the applicant/developer shall construct a sound attenuating wall or berm along the north side of Highway 68 adjacent to the area of the Highway widening. The sound attenuation shall be designed by a noise consultant to prevent an increase in noise to the residences fronting on Highway 68, above those levels existing at the time prior to the widening.

Compliance or Monitoring Action to be Performed: The sound wall and modeling for the sound attenuation shall be submitted with the improvement plans and approved by the County of Monterey and California Department of Transportation (Caltrans)

22. PDSP008 - PHASING OF FINAL MAPS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Recording the final maps for the project and development of the project, may be phased as provided on the approved vesting tentative subdivision map of Alternative 5-PC (dated November 12, 2014), with the following changes: Lot 15a is not approved as part of Phase 1.

All California Tiger Salamander mitigation measures must be initiated prior to recordation of the Final Map for Phase 2. All other mitigation measures will be implemented prior to recordation of the final map for each applicable phase.

Compliance or Monitoring Action to be Performed: Applicable Final Maps shall be recorded prior to construction/development for respective lots.

23. PDSP009 - DEDICATION OF OPEN SPACE / PARCEL D

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: As part of the recordation of each applicable final map, the Open Space lands and Parcel D (Gateway/Visitor Center parcel) shall be donated to the Ag Land Trust.

Compliance or Monitoring Action to be Performed: The Owner/Applicant/Developer shall provide copies of applicable documents demonstrating that the Open Space parcels and Parcel D have been dedicated to the Ag Land Trust.

24. PDSP010 - CATTLE GRAZING FENCE REQUIREMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: As part of the improvements for each phase, the Owner/Applicant/Developer shall secure the cattle grazing lands with fencing that is constructed in compliance with Monterey County Code and with the concurrence of the Ag Land Trust.

Compliance or Monitoring Action to be Performed: The improvement plans for each phase shall include a fencing plan reflecting the approval of the Ag Land Trust.

25. EHSP01 WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards and the California Plumbing Code.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/building permits submit engineered plans for the water system improvements to California Department of Public Health, Division of Drinking Water and Environmental Management, Monterey office (CDPH) for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by CDPH prior to installing the improvements.

26. EHSPO2 - FIRE FLOW STANDARDS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/building permits submit plans for the proposed water system improvements to the local fire protection agency for review and approval.

Submit a set of signed or wet-stamped water system plans approved by the local fire protection agency to EHB for review and approval.

27. EHSPO3 - STANDARD SUBDIVISION - INSTALL WATER SYSTEM IMPROVEMENTS/ ENTER INTO A SUBDIVISION IMPROV

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 19.13 Improvement Agreements, the owner shall install the water system and improvements to and within the subdivision and any appurtenances needed.

OR

The owner shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the water system improvements.

Compliance or Monitoring Action to be Performed: Concurrently with filing final map, install the water system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from Drinking Water Protection Services of Environmental Health Bureau.

OR

Execute a Subdivision Improvement Agreement that is acceptable to EHB. Record the Subdivision Improvement Agreement with the final map.

28. EHSPO4 - INSTALL WASTEWATER COLLECTION SYSTEM IMPROVEMENTS/ ENTER INTO A SUBDIVISION IMPROVEMEN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 19.13 Improvement Agreements, the owner shall install the wastewater collection system and improvements to and within the subdivision and any appurtenances needed.

OR

The owner shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the water system improvements.

Compliance or Monitoring Action to be Performed: Concurrently with filing final map, install the wastewater collection system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from Environmental Health Review Service of Environmental Health Bureau.

OR

Execute a Subdivision Improvement Agreement that is acceptable to EHB. Record the Subdivision Improvement Agreement with the final map.

29. EHSP05 - SEWER SYSTEM IMPROVEMENT DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Engineered plans for the sewer system including all necessary redundancies and separation shall be submitted to and approved by the California Utilities (CU). Plans shall be in conformance with Monterey County Code, Chapter 19.13 and the California Plumbing Code, Title 24 part 5 of the California Code of Regulations.

Compliance or Monitoring Action to be Performed: Prior to filing the final map:
1. Submit plans to CU for review and approval.
2. Submit written verification from CU to the Environmental Health Bureau that plans have been reviewed and approved

30. EHSP06 - UPDATED CAN AND WILL SERVE CAL WATER

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: An updated Can and Will Serve letter from Cal Water stating that Cal Water can and will serve the Ferrini Ranch with sufficient water flow and pressure to comply with both Health and Fire Flow standards.

Compliance or Monitoring Action to be Performed: Prior to filing the final map and or/issuance of building permits, submit written certification from Cal Water to EHB.

31. EHSP07 - UPDATED CAN AND WILL SERVE CAL UTILITIES

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: An updated Can and Will Serve letter from Cal Utilities stating that Cal Utilities can and will serve the Ferrini Ranch with sufficient capacity at Cal Utilities wastewater treatment facility that comply with all Federal, State and County Health and Safety standards.

Compliance or Monitoring Action to be Performed: Prior to filing the final map and or/issuance of building permits, submit written certification from Cal Utilities to EHB.

32. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

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

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

33. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide verification from a registered professional engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

34. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide RMA-Environmental Services certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with recommendations included in the Geotechnical Investigation Report prepared for the project. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

35. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule inspections with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the applicant shall schedule inspections with RMA-Environmental Services.

36. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

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

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

37. Inclusionary Housing

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: The project application is subject to the County's Inclusionary Housing Ordinance #04185 of 2005 as codified in Chapter 18.40 and has the following requirements: For for-sale inclusionary units, eight percent (8%) of the total units in the development shall be set aside for moderate income households; six percent (6%) of the total units in the development shall be set aside for low income households; and six percent (6%) of the total units in the development shall be set aside for very low income households.

The application is for 168 new market rate residential houses. The resulting Inclusionary requirement would be 42 units (12 very low income households; 13 low income households; and 17 moderate income households). The Applicant will build 17 moderate units on site and meet the balance of the inclusionary requirement through payment of an In Lieu fee. The fee for the 25 houses not built on site would be \$4,015,250 (\$160,610 X 25).

The Inclusionary Housing agreement shall include phasing requirements establishing that the inclusionary lots be created with the initial map recordation and that 6 inclusionary units will be constructed prior to the issuance of any building permits for market rate lots, 6 additional inclusionary units be constructed prior to issuance of the 61st building permit for the market rate lots and the remaining 5 inclusionary units be constructed prior to issuance of the 122nd building permit for the market rate units.

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Final Map, the applicant shall enter into an Inclusionary Agreement to build seventeen (17) moderate rate units on site.

Prior to recordation of the first residential subdivision Final Map, the Applicant shall pay the in Lieu fee

38. FIRE002 - ROADWAY ENGINEERING

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Monterey County Regional Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as 'Fire Department Notes' on improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of the roadway improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval the final fire inspection.

39. FIRE010 -ROAD SIGNS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, 1/2-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. Responsible Land Use Department: Monterey County Regional Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to filing of the final map, the Applicant shall incorporate the road sign specification into design and print the text of this condition as "Fire Department Notes" improvement plans.

40. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The following note shall be placed on the final map and included in any CC&Rs: "All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance." Responsible Land Use Department: Monterey County Regional Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, the Applicant shall print the text of this condition as "Fire Dept. Notes" on the Final Map and include in any CC&R's.

41. FIRESPO1- NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW - RESIDENTIAL AREAS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Hydrants for fire protection shall be provided at locations approved by the fire code official and shall conform to the following requirements:

- a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow requirement for one- or two-family dwellings is 1,000 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Fire flow for residential occupancies protected with automatic fire sprinkler systems may be reduced to 500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours.
- b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
- c. HYDRANT/FIRE VALVE (ADDITION) - New hydrant(s) shall be installed as determined by the fire code official.
- d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
- e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix B and in accordance with the following specifications:
- f. HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9.
- g. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the water system into design and print the text of this condition as "Fire Department Notes" on water system improvement plans.

42. FIRESPO2- NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW - COMMERCIAL AREAS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Hydrants for fire protection shall be provided at locations approved by the fire code official and shall conform to the following requirements:

- a. FIRE FLOW - Pursuant to California Fire Code ("CFC") Appendix B, the minimum fire flow requirement for commercial facilities built is 1,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. However, the actual fire flow requirement and duration will be determined by the size and type of construction of the individual buildings pursuant to the California Fire Code.
- b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
- c. HYDRANT/FIRE VALVE (ADDITION) - New hydrant(s) shall be installed as determined by the fire code official.
- d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
- e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix B and in accordance with the following specifications:
- f. HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9.
- g. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of any permits or recordation of the final map, the Applicant shall incorporate the specification of the water system into design and print the text of this condition as "Fire Department Notes" on water system improvement plans.

43. NON-STANDARD CONDITION - PROHIBITION AGAINST PRIVATE ENTRANCE INTO TORO COUNTY PARK

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: (Non-Standard Condition)
A Deed Restriction shall be provided regarding private access, which shall not be allowed from the Ferrini Ranch development into Toro County Park. The existing (barbed-wire) fencing, or other type of fencing such as a split-rail or farm type fencing at the property boundary, shall be improved and maintained in a condition to prevent grazing activities and pedestrian access from the Ferrini Ranch development into Toro County Park.

Compliance or Monitoring Action to be Performed: Prior to the recordation of the final map.

44. NON-STANDARD CONDITION – BICYCLE AND PEDEESTRIAN RECREATIONAL TRAIL

Responsible Department: Parks Enforcement

Condition/Mitigation (Non-Standard Condition)
Monitoring Measure:

The Recreation Trail along the frontage of Toro Park shall adhere to the standards of a Caltrans Class I Bikeway (Bike Path) and comply with the Accessibility Guidelines for Outdoor Developed Areas. Parks Department shall review the placement of the Recreation Trail to avoid or minimize displacement of the existing, established cross-country trails fronting on Highway 68, to avoid or minimize grading along the parks frontage and to avoid or reduce the removal of existing vegetation and/or mature trees. The existing (galvanized) chain link fencing shall be replaced with (black) Vinyl-coated chain-link fencing and shall be relocated between the Recreation Trail and the park in an effort to restrict trail users from privately entering into the park.

Compliance or Prior to the Recordation of the Final Map
Monitoring
Action to be Performed:

45. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Responsible Department: RMA-Public Works

Condition/Mitigation Obtain an encroachment permit from the Department of Public Works and construct a
Monitoring Measure: standard driveway connection to San Benancio Road to serve lots 1a, 1b, and 1c. (Public Works)

Compliance or Prior to recordation of the final map, the Owner/Applicant shall obtain an
Monitoring encroachment permit from DPW. Applicant is responsible to obtain all permits and
Action to be Performed: environmental clearances.

46. PW0007 - PARKING STD

Responsible Department: RMA-Public Works

Condition/Mitigation (NON-STANDARD CONDITION) The parking spaces shall be incorporated into the
Monitoring Measure: subdivision design such that guests do not need to park in the travel lane. A minimum of one (1) space for every three (3) lots shall be provided and dispersed throughout the subdivision. The parking shall be approved by the Director of Public Works and the Director of RMA-Planning.

Compliance or Parking spaces shall be shown on the improvement plans.
Monitoring
Action to be Performed:

47. PW0014 - DRAINAGE IMPROVEMENT STUDY

Responsible Department: RMA-Public Works

Condition/Mitigation Provide an on-site/off-site drainage improvement study prepared by a registered Civil
Monitoring Measure: Engineer. Study to be approved by Public Works Department and the Water Resources Agency and shall be incorporated in the improvement plans.

Compliance or Prior to Building/Grading Permits Issuance or recordation of Final Map, Applicant's
Monitoring Engineer shall prepare drainage study and improvement plans for review and approval
Action to be Performed: by DPW.

48. PW0015 – UTILITY’S COMMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Map Owner/Applicant/Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.

49. PW0016 - MAINTENANCE OF SUBDIVISIONS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services.

Compliance or Monitoring Action to be Performed: As an ongoing condition Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

50. PW0017 - NATURAL DRAINAGE EASEMENT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Designate all natural drainage channels on the final map by easements labeled “Natural Drainage Easement”.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider’s surveyor shall include labeling as described on Final Map.

51. PW0018 - ROUGH GRADING FOR SLOPE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Where cut or fills at property lines exceed 5 feet, driveways shall be rough graded when streets are rough graded. Positive drainage and erosion control shall be provided.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider’s Engineer shall include notes on improvement plans.

52. PW0020 - PRIVATE ROADS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads.

Compliance or Monitoring Action to be Performed: Ongoing condition, Subdivider's Surveyor shall designate private roads on final map.

53. PW0021 - ROAD NAMES

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit all proposed road names to the Department of Public Works for approval by County Communications.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.

54. PW0023 - IMPROVEMENT PLANS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with County Standards.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of Final Map.

55. PW0025 - GRADING PERMIT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: A grading permit shall be obtained from the Planning and Building Inspection Department if required.

Compliance or Monitoring Action to be Performed: Prior to commencement of Grading, Subdivider shall submit application for Grading Permit.

56. PW0026 - PLANTING FOR GRADED AREAS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following:

- a. That the cut and fill slopes be stabilized.
- b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a).
- c. Type and amount of maintenance required to satisfy item (a)

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider's Engineer to include erosion control measures on improvement plans.

57. PW0027 - CUT/FILL SLOPE (2:1)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geo-technical report.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider/Engineer shall include notes on Improvement Plans.

58. PW0029 - NON-ACCESS STRIP

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Dedicate to the County of Monterey a one-foot non-access strip along entire frontage of Parcel A2 and lots 1a, 1b, and 1c along San Benancio Road excepting a 30' opening at the driveway entrance to lots 1a/1c. Driveway location to be approved by the Department of Public Works.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider shall dedicate the non-access strip as described.

59. PW0030 - HOMEOWNERS ASSOCIATION

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.

60. PW0031 - FINAL MAP

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: File a Final Map delineating all existing and required easements or rights-of-way and monument new lines.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Owner/Applicant/Engineer Applicant's surveyor shall prepare Final Map submit to DPW for review and approval.

61. PW0032 - AS BUILT PLANS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance.

Compliance or Monitoring Action to be Performed: Prior to Release of Bonds Subdivider/Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.

62. PW0036 - EXISTING EASEMENTS AND ROW

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights of way.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Final Map.

63. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information:
Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project.

Compliance or Monitoring Action to be Performed: 1. Prior to recordation of the final map, the Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.

2. On-going. Through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction / grading phase of the project.

64. PWSP0003 - ENCROACHMENT (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct intersection improvements for the relocated Torero Drive at Portola Drive. The design and construction of intersection improvements is subject to the review and approval the County of Monterey Public Works Department. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

65. PWSP001 - INTERSECTION IMPROVEMENTS (NON-STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of recordation of the final map, the project applicant shall design a new intersection at the new project's access on River Road in accordance with Caltrans Highway Design Manual detail 405.7. The design and construction of all intersection improvements shall be subject to review and approval of the County of Monterey Public Works Department. All intersection improvements shall be completed prior to issuance of building or grading permits for any residential units or commercial structures. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to approval of recordation of the Final Map, the Owner/Applicant shall submit the new intersection improvements design to the Department of Public Works (DPW) for review and approval.

66. PWSP002 - ENCROACHMENT (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a new intersection at the new project's access/River Road in accordance with Caltrans standards and guidelines. The design and construction of all intersection improvements shall be subject to the review and approval of the County of Monterey Public Works Department. All intersection improvements shall be completed prior to issuance of building or grading permits for any residential units or commercial structures. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

67. PWSP004 - ENCROACHMENT (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works to close the relocated Torero Drive. The design and construction of road closure is subject to the review and approval the County of Monterey Public Works Department. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

68. PWSP005 - ENCROACHMENT (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct intersection improvements at 117 Drive and construct new loop street. The design and construction of intersection improvements and loop street is subject to the review and approval the County of Monterey Public Works Department. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

69. PWSP006 - HIGHWAY 68 IMPROVEMENTS (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall design and construct a new intersection and install a traffic signal at the intersection of project's access/ Highway 68. The design and construction of all intersection improvements shall be subject to the review and approval of California Department of Transportation (Public Works).

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall design and construct intersection improvements and install a traffic signal at the project entrance/ Hwy 68. The design and construction of all intersection improvements shall be subject to the review and approval of California Department of Transportation (Caltrans).

70. PWSP007-HIGHWAY 68 IMPROVEMENTS AGREEMENT (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall enter an agreement with the County, if the County is the Lead Agency for any Highway 68 work. The applicant shall pay all costs for the County including, but not limited to hire a consultant to process any reports, documentation, and secure all approvals from Caltrans for the necessary improvements. Also, the Owner/ Applicant shall reimburse the County for any other costs to process approvals from Caltrans, such as but not limited to, County staff time. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall enter an agreement with County.

71. PWSP008- HIGHWAY 68 IMPROVEMENTS CALTRANS DOCUMENTATION (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall submit to the California Department of Transportation (CALTRANS) for review and approval a Project Study Report (PSR) and all other required documentation to allow the construction of the a new intersection at the project's proposed access/Highway 68 and road widening improvements on Hwy 68, respectively. The acceptance of the PSR and all required documentation for the design, and construction of said improvements are subject to the approval of California Department of Transportation. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall submit to CALTRANS for review and approval a Project Study Report (PSR) and all other required documentation to allow the construction of intersection and road widening improvements at the project's proposed access/Highway 68 intersection. The acceptance of the PSR and all required documentation for the design, and construction of said improvements are subject to the approval of California Department of Transportation. The Owner/Applicant is responsible to obtain all permits and environmental clearances.

72. PWSP009- CALTRANS' ENCROACHMENT PERMIT (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the California Department of Transportation (CALTRANS) and construct intersection improvements at project's proposed access/Highway 68. The design and construction are subject to the approval of CALTRANS. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from CALTRANS and submit proof to the Planning and Public Works Departments. The Owner/Applicant is responsible to obtain all permits and environmental clearances.

73. PWSP010 - TRAFFIC AND CIRCULATION (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall widen Hwy 68 to 4 lanes from existing 4-lane section to end of Toro Estates. The applicant shall receive credit toward payment of TAMC RDIF fees in accordance with Section 12.90.050 of Monterey County Code.

Compliance or Monitoring Action to be Performed: Prior to approval of improvement plans or recordation of any final map taking access off Highway 68, the Owner/Applicant shall construct Highway 68 improvements.

74. PWSP011 - ROADS (NON-STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of recordation of the final map, the project applicant shall contract with a certified engineer to design roadway improvements to the Subdivision's private roads per the County of Monterey standards. The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (Public Works)

Compliance or Monitoring Action to be Performed: 1.- Prior to Recordation of the Final Map, the Project Applicant shall obtain approval of the roadway improvement plans from the Department of Public Works.

2.- Prior to issuance of occupancy for any residential units, the Project Applicant shall construct improvements to the Subdivision's private roads in accordance with approved roadway improvement plans.

75. PWSP014 SUBDIVISION IMPROVEMENT AGREEMENT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall enter into an Agreement with the County of Monterey to install subdivision improvements.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Owner/Applicant shall enter into an Agreement with the County to construct improvements. Improvements shall be bonded and constructed in accordance with the Agreement.

76. PWSP015 – CALTRANS' ENCROACHMENT PERMIT (NON STANDARD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the California Department of Transportation (Caltrans) to close the relocated Torero Drive. The design and construction of road closure is subject to the review and approval of Caltrans. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from the California Department of Transportation (Caltrans). Applicant is responsible to obtain all permits and environmental clearances.

77. PWSP017 - CREATION OF A TORO AREA COMMUNITY SERVICES DISTRICT (CSD)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to recordation of the first final map, the applicant shall submit \$425,000.00 to the County of Monterey to be held in a separate fund to pay for studies for the formation of a Toro Area Community Services District (CSD) which would participate in the Monterey Regional Water Pollution Control Agency's (MRWPCA) wastewater recycling programs. The funds shall be used solely for the formation of the CSD.

If the CSD is not formed and if an MOU to deliver wastewater to the MRWPCA have not been completed within 30 months of the filing of the first final map, any unused funds shall be returned to the developer with any interest which has accrued.

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, the applicant shall submit \$425,000.00 to the County of Monterey.

78. WR007 - STORMWATER DETENTION - SB

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer, addressing on-site and off-site impacts. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. Supporting calculations and construction details shall also be provided. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the owner/applicant shall submit 3 copies of the drainage plan and supporting calculations to the Water Resources Agency for review and approval.

79. WR010 - COMPLETION CERTIFICATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with the approved drainage plan. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to the Water Resources Agency prepared by a registered civil engineer or licensed contractor.

80. MM 3.1-1a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: AESTHETIC/VISUAL SENSITIVITY - CRITICAL VIEWSHED RESTRICTIONS. The project applicant shall reconfigure the lot and development pattern to relocate building sites for residential lots outside of the critical viewshed areas and 100-foot scenic roadway setback. Alternative 5 Lots 83, 83A, 84, 82A, 138, 138a, and 139 shall be relocated. Where berms are currently proposed for screening and view protection along State Route 68 Scenic Corridor, the Applicant shall provide sufficient detail in the Improvement Plans with the Final Map to allow verification by the County of berm appearance and effectiveness as a screen. Relocated lots shall be placed in areas that are either proposed for existing lots by compressing lots or in areas where slopes are less than 30 percent, such as the area behind Lot 40b and the area between lots 70 and 80, and not in areas which have sensitive biological resources.

Compliance or Monitoring Action to be Performed: Prior to final map approval, the project applicant shall reconfigure the lot and development pattern to relocate building sites for residential lots outside of the critical viewshed and 100-foot setback, subject to review and approval by RMA-Planning.

81. MM3.1-1b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: AESTHETIC/VISUAL SENSITIVITY - SCENIC AND CONSERVATION EASEMENT. Prior to final map approval, the project applicant shall identify all open space parcels (Parcels A, B, and C) as scenic and conservation easements, subject to specific uses and conditions as defined by the Monterey County Planning Department. Easements shall be recorded in deed and title upon final map approval. In addition to all provisions and development restrictions set forth by Monterey County for scenic and conservation easements, final maps and recorded easements shall also include specific requirements and allowances for easement maintenance and rural fire protection, continued grazing and grazing operations, protection of habitat and sensitive resource areas specifically set aside as mitigation, fencing and public access, and provision and maintenance of necessary infrastructure improvements (trails, drainage facilities, detention basins, and similar).

Compliance or Monitoring Action to be Performed: Prior to final map approval, the project applicant shall identify all open space parcels (Parcels A, B, and C) as scenic and conservation easements, subject to specific uses and conditions as defined by the Monterey County Planning Department.

82. MM3.1-1c

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: AESTHETIC/VISUAL SENSITIVITY - B-6 ZONING OVERLAY. Upon final map approval, the Monterey County Planning Department shall apply a B-6 overlay to the entire property and proposed subdivision. Implementation of the B-6 overlay would prohibit future subdivision of the project site.

Compliance or Monitoring Action to be Performed: Upon final map approval, the Monterey County Planning Department shall apply a B-6 overlay to the entire property and proposed subdivision. Implementation of the B-6 overlay would prohibit future subdivision of the project site.

83. MM3.1-6

Responsible Department: RMA-Planning

Condition/Mitigation AESTHETIC/VISUAL SENSITIVITY - MESA DESIGN CRITERIA (PARCEL D).

Monitoring Measure: CC&R's shall establish design criteria for development of Parcel D and lots on the Mesa within the area of Visual Sensitivity. The County shall be made a party to the design criteria within the CC&R's and shall administer the provisions of the design criteria through review of a discretionary permit (Administrative or Use Permit) based upon Visually Sensitive criteria. The Design Criteria shall include the following provisions:

1. No structures shall be visible from Highway 68 or from River Road
2. Lighting shall be limited to bollard style lighting and not result in any glare or light spillover visible from Highway 68 or River Road.
3. Building Design shall preclude light spillover from internal or exterior lighting.
4. Landscaping trees shall be limited to native oak trees and shall not include ornamental trees and other landscape materials that would appear out of place at this highly visible location.
5. Building height shall not exceed 20 feet above average natural grade.

Compliance or Monitoring The Design Criteria shall be placed within the CC&Rs and recorded on the property with recordation of the Final Map.

Action to be Performed:

84. MM3.2-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: AIR QUALITY - CONSTRUCTION EMISSIONS REDUCTIONS PLAN. The Monterey County Resource Management Agency (RMA)-Planning Department shall require that the project applicant prepare, submit and implement a construction emissions reduction plan (CERP). Implementation of the CERP will reduce construction-generated fugitive dust. The MBUAPCD shall be consulted to identify the specific measures to be implemented to minimize impacts to nearby sensitive receptors. Measures to be included in the CERP prepared for this project, as currently recommended by the MBUAPCD, include but are not limited to the following:

- Water all active construction areas at least twice daily depending on weather and soil moisture conditions. Frequency should be based on the type of operation, soil and wind exposure;
- Prohibit all grading activities during periods of high wind (sustained winds over 15 mph);
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Replant vegetation in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles, such as dirt, sand, etc.
- Sweep daily, with water sweepers, all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Construction equipment shall not be left idling for periods longer than 5 minutes when not in use in accordance with current regulations.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding emissions-related complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).

Compliance or Monitoring Action to be Performed: Prior to issuance of any permits for on-site or off-site improvements, the Monterey County Resource Management Agency (RMA)-Planning Department shall require that the project applicant prepare, submit and implement a construction emissions reduction plan (CERP).

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - LOT #27 CONGDON'S TAR PLANT SURVEY. Prior to grading activities on or near Lot #27, the grading area in this vicinity shall be surveyed by a qualified biologist to document the presence and distribution of Congdon's tarplant (*Centromadia* = *Hemizonia parryi* ssp. *congdonii*). If the plant is identified within or near these construction areas, the following mitigation and management steps shall be taken to reduce the loss of individual plants, avoid disturbance or removal of special-status plant species, and create or preserve additional habitat:

- 1) In locations where proposed improvements conflict with Congdon's tarplant, the improvements (including lots) shall be relocated to the extent feasible to avoid disturbance.
- 2) Disturbance of Congdon's tarplant during construction of the project shall be avoided by such means as rerouting the construction roads and/or prohibiting use of such areas as staging locations. Construction fencing shall be placed around any such locations to create a 50-foot no-disturbance buffer around this species.
- 3) Signs shall be posted that identify these buffer areas. These signs will inform construction personnel and open space users as to the presence of Congdon's tarplant so that inadvertent disturbance by individual persons traversing the project site will also be avoided.
- 4) For any impacts to Congdon's tarplant identified in the preconstruction survey that are not avoided through implementation of the above avoidance strategy, the project shall:
 - a. Allocate a portion of the southern quadrant of the eastern parcel as a Congdon's tarplant preserve. The preserve area shall contain the appropriate micro-habitats to support this species, and provide the permanent protection and management of occupied habitat at a minimum 2:1 ratio (two acres preserved for every one acre impacted).
 - b. Relocate any tarplant that could not be avoided to this preserve; and
 - c. Plant additional tarplants in the preserve at a ratio of 1:1 for every relocated tarplant.
 - d. The transplantation/creation/restoration action shall be described in a Rare Plant Restoration and Management Plan as part of the project's Open Space Management Plan. The plan shall detail location, methods, and plant success criteria that will be utilized to restore and maintain populations of Congdon's tarplant within the protected open space or additional preserve sites. The plan shall be subject to review by the Monterey County Resource Management Agency (RMA) as part of the project's condition compliance, and the CDFW, if necessary. Restoration success will be determined by the restored population having a greater number of individuals than the number of individuals of the impacted populations(s), in an area greater than or equal to the size of the impacted populations(s) for at least three (3) consecutive years of normal or above normal rainfall without irrigation, weeding, or other manipulation of the restoration site other than grazing occurring in the open space area. Annual monitoring reports shall be submitted to the County of Monterey and the CDFW, if necessary.
 - e. The applicant shall be responsible for obtaining approvals from the resource agencies as necessary to implement the above mitigation measures. The applicant shall be responsible for implementing any additional measures resulting from these approvals.

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

Prior to grading activities on or near Lot #27, the grading area in this vicinity shall be surveyed by a qualified biologist to document the presence and distribution of Congdon's tarplant (*Centromadia = Hemizonia parryi* ssp. *congdonii*).

86. MM3.3-1b

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - PACIFIC GROVE CLOVER SURVEY. Prior to grading activities near Lots #27, #65, #81, #82, #83, #95, #105, #113, and #114 and in roadway development areas near Lots #27, #65, #81, #82, and #83 and scheduled to correspond to the time of year most appropriate for identification of individual Pacific Grove clover (*Trifolium tridentatum* var. *polyodon*, syn. *Trifolium polyodon*), a preconstruction survey will be conducted to determine the extent and distribution of plants in the vicinity of the project. The survey will follow the protocols for rare plant surveys as recommended by the CDFW.

1) In locations where proposed improvements conflict with Pacific Grove clover, the improvements (including lots) shall be relocated to the extent feasible to avoid disturbance.

2) Disturbance of Pacific Grove clover plants during construction of the project shall be avoided by such means as rerouting the construction roads and/or avoiding use of such areas as staging locations. Construction fencing shall be placed around any such locations to create a 50-foot no-disturbance buffer around this species.

3) Signs shall be posted that identify these buffer areas. These signs will inform construction personnel and recreationalists as to the presence of Pacific Grove clover so that inadvertent disturbance by individual persons traversing the project site will also be avoided.

4) For impacts to Pacific Grove clover identified in the preconstruction survey that cannot be avoided through implementation of the above mitigation measures, the project shall:

a. Restore or create suitable habitat where Pacific Grove clover can be established. The habitat preservation area shall contain the appropriate micro-habitats to support this species, and provide the permanent protection and management of occupied habitat at a minimum 2:1 ratio (two acres preserved for every one acre impacted).

b. The creation/restoration action shall be described in a Rare Plant Restoration and Management Plan as part of the project's Open Space Management Plan. The plan shall detail location, methods, and plant success criteria that will be utilized to restore and maintain populations' within the protected opens or additional preserve sites. The plan shall be subject to review by the Monterey County Resource Management Agency (RMA) as part of the project's condition compliance and the CDFW, if necessary. Restoration success will be determined by the restored population having a greater number of individuals than the number of individuals of the impacted populations(s), in an area greater than or equal to the size of the impacted populations(s) for at least three (3) consecutive years of normal or above normal rainfall without irrigation, weeding, or other manipulation of the restoration site other than grazing occurring in the open space area. Annual monitoring reports shall be submitted to the County of Monterey and CDFW, if necessary

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

Prior to grading activities near Lots #27, #65, #81, #82, #83, #95, #105, #113, and #114 and in roadway development areas near Lots #27, #65, #81, #82, and #83 and scheduled to correspond to the time of year most appropriate for identification of individual Pacific Grove clover (*Trifolium tridentatum* var. *polyodon*, syn. *Trifolium polyodon*), a preconstruction survey will be conducted to determine the extent and distribution of plants in the vicinity of the project. The survey will follow the protocols for rare plant surveys as recommended by the CDFW

87. MM3.3-2a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CTS (DESIGN). The County of Monterey shall require the implementation of the following mitigation measures:

Design:

1) The design of the subdivision shall be modified to avoid direct effects to Pond 18. Pond 18, the area adjacent to Pond 18, and the undeveloped open space area contiguous with Pond 18 shall be protected during construction by installation of temporary exclusion fencing and by providing an appropriate buffer (to be determined by a qualified biologist) from areas of disturbance. As per MM 3.3-2b, the development of Lots #130 through #137 (or as numbered in an approved alternative) shall be contingent on the successful use of the created breeding pond as identified in MM 3.3-2b by CTS. Successful use shall be defined as the breeding pond containing water for 4 months during a normal rainy season and a finding of larval salamanders within the pond for at least two consecutive years out of five years. Monitoring, sampling and reporting shall occur annually. The survey methodology shall include successive weeks of sampling in the pond, sufficient to identify metamorphs successfully exiting the pond and/or installation of drift fence arrays adjacent to the created pond to identify surviving metamorphs dispersing into the surrounding upland habitat. The final map for lots #130 through #137 shall not be recorded and no subdivision improvements shall be completed in the area of Lots #130 through #137 until these performance criteria are met. Upon completion of the mitigation monitoring the final map can be recorded, and subdivision improvements installed.

2) The project will employ permanent barrier fences specifically designed to exclude CTS at Lots #131 through #137. These fences will be incorporated into Lots #131 through #137 facing Pond 18 to exclude CTS from these areas and direct them to open space areas or undercrossings. Fencing on Lots #100 through #130 shall allow for the passage of CTS to open space areas surrounding and within the undeveloped portions of the lots. All wildlife permeable fencing will consist of four-wire fencing, with the top and bottom wires smooth and only the middle wires barbed the bottom smooth wire shall be at least 16 inches off the ground.

3) The project's main access roads will be made permeable for CTS dispersal through the use of undercrossings combined with vertical curbs and/or fences (see Figure 3.3-7). The design and location of the undercrossings will be determined in consultation with a qualified biologist and any incidental take permit requirements, if an Incidental Take Permit is required. Cattle fencing that will be installed adjacent to the main access roads will be designed with amphibian barrier fencing at the bottom of the fence to direct animals to the location of the culverts. Fencing to keep people from accessing Pond 18 will be installed around the pond. Except as provided in mitigation measure MM 3.3-2(a)(1), above, the fencing around Pond 18 will be permeable to CTS and other wildlife.

Compliance or Monitoring Action to be Performed: Comply with the mitigation measure prior to recordation of the final map or include as part of the Subdivision Improvement Agreement.

88. MM3.3-2a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CTS (CONSTRUCTION). The County of Monterey shall require the implementation of the following mitigation measures:

Construction:

4) Construction best management practices (BMPs) shall be implemented for work near Harper Creek, including working in the dry season, keeping heavy equipment out of the streambed, refueling and maintaining equipment outside the floodplain, stockpiling soils outside the floodplain, tree removal only as necessary to complete improvements, hydromulch and straw bales to be installed prior to October 15, and other measures as identified by the US Army Corps of Engineers. The project applicant shall ensure that work is done within the creek only when the creek is dry.

5) All construction personnel shall receive training sessions, conducted by a qualified biologist and in accordance with any Incidental Take Permit requirements, as may be relevant, that describes the California tiger salamander and its habitat, the specific measures that are being implemented to conserve the species and habitat, and the boundaries of the area of permitted disturbance.

6) Before beginning construction activities, the project applicant shall construct a temporary barrier along the limits of grading and disturbance. This barrier shall consist of silt fencing at least 2 feet tall and buried to a depth of at least 6 inches below the soil surface. A qualified biologist shall inspect this area prior to installation of this barrier. The barrier shall be designed to allow California tiger salamanders to leave the construction site and prevent them from entering the construction site, and shall remain in place until all development activities have been completed. The development area including all burrows shall be inspected by the qualified biologist daily; if CTS are found within the limits of grading, no

construction work in the surrounding area shall proceed until the CTS has left on its own volition or the CTS is removed consistent with any federal and state incidental take permits, including a collection and transplant plan that has been submitted to the USFWS and the CDFW for review and approval. A final report of the project applicant's compliance with the collection and transplant plan shall be submitted to the County within 90 days of the completion of all planned development on the project site.

7) The project applicant shall terminate construction work involving ground disturbance 30 minutes before sunset and shall not resume ground disturbance work until 30 minutes after sunrise during the CTS migration/active season from November 1 to June 15 within those areas considered aestivation habitat.

Compliance or Monitoring Action to be Performed: Prior to and during construction activities, comply with the mitigation measure as noted. Mitigation measure shall be placed as a note on the final map.

89. MM3.3-2a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CTS (OPERATION). The County of Monterey shall require the implementation of the following mitigation measures:

Operation:

8) Codes. Covenants and Restrictions (CCRs) will be established that provide the following compliance requirements:

a. All sources of trash that may attract predators of California tiger salamanders shall be properly contained at each residence. No pets shall be permitted within Pond 18 and any other designated CTS breeding areas and portions of the open space area preserved and managed for the benefit of CTS as provided in mitigation measure MM 3.3-2b.

b. Signage shall be installed and maintained identifying areas of protected habitat to inform, residents, and recreationalists as to the presence of protected species, its habitat, and the importance of preservation.

c. High intensity lighting shall be avoided within or adjacent to designated CTS breeding or aestivation habitat. Downcast lighting with cutoffs and minimal spill shall be used for outdoor areas to avoid negative effects to CTS.

d. Fencing to keep people from accessing Pond 18 will be installed around the pond. Except as provided in mitigation measure MM3.3-2(a)(1), the fencing around Pond 18 will be permeable to CTS and other wildlife.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, CC&Rs shall include the text of this mitigation measure and shall be submitted to RMA-Planning for review and approval.

This mitigation measure shall be placed as a note on the final map.

This mitigation measure is ongoing for the life of the project.

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - NEW CTS POND. The applicant will construct a new breeding pond in the open space area and preserve and manage the new pond and suitable aestivation habitat within a conservation area for CTS to be provided within the open space area within the northeastern parcel. The determination of the acreage of aestivation habitat to be included in the conservation area shall be based on providing 2:1 mitigation for any potential aestivation habitat impacted by roads or development for the proposed project within 562 meters of known or potential breeding ponds and 1:1 mitigation for potential aestivation habitat between 562 meters and 2,092 meters. Based on this calculation, 210 acres of open space land will be included within the CTS conservation area and shall include the open space lands contiguous with Pond 18 and the new breeding pond. Should it be determined that off-site Pond 1 is not occupied habitat after two years of protocol-level surveys (during average precipitation years), the amount of aestivation habitat protected will be reduced accordingly. These are conservative estimates for aestivation habitat mitigation for off-site ponds on lands separated from the project by State Route 68, which poses a limitation on the ability of CTS to move from the off-site ponds to the project site without significant mortality. The new breeding pond shall be located on-site where there is a suitable water source to sustain water within the pond for 3 to 4 months. The pond will be dry or drained during the summer and fall to prevent the establishment of non-native predator species. The applicant, with authorization and necessary permits from the CDFW and the USFWS as required under state and federal laws, will transfer any CTS that are collected during preconstruction monitoring to the new breeding pond (MM 3.3-2a(12)). The development of Lots #131 through #137 shall be contingent on the successful use of the new breeding pond by CTS. Successful use shall be defined as the breeding pond containing water for 4 months during a normal rainy season and a finding of larval salamanders within the pond for 2-4 years. No development with the exception of underground utilities shall be completed in the area of Lots #131 through #137 until these performance criteria are met. The compensatory mitigation lands, including the constructed pond, will be managed for the benefit of CTS and other sensitive species under the conservation area plan. The conservation area will be deed restricted in a form approved by the County, and the conservation area may be subject to a conservation easement in a form generally consistent with the requirements as set forth in the conservation easement template used by the CDFW and the USFWS. Maintenance and management costs will be calculated based on the conservation area plan for those lands that are specifically to be managed for CTS and a Property Analyses Record (PAR analysis), and shall be committed to manage those lands to be protected for breeding ponds and aestivation habitat in perpetuity. The calculation will be submitted to the County for approval. The amount may be endowed or otherwise committed in a method approved by the County. If the project is commenced prior to the approval of the endowment or the alternative method referenced in the preceding sentence, the applicant will provide a financial assurance through a performance bond for the estimated amount of the endowment. Consistent with the requirements of this mitigation measure MM 3.3-2b and after implementing the avoidance measures in MM 3.3-2a, the applicant shall submit the final open space area management plan that includes the conservation area design and the conservation area plan to the County for approval prior to construction. Alternatively, the applicant may elect to purchase equivalent habitat credits within an approved CTS mitigation bank or as in lieu fee subject to approval by the CDFW and the USFWS, as applicable.

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

The applicant will construct a new breeding pond in the open space area and preserve and manage the new pond and suitable aestivation habitat within a conservation area for CTS to be provided within the open space area within the northeastern parcel.

91. MM3.3-2c

Responsible Department: Water Resources Agency

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - STORMWATER DETENTION BASIN CONSTRUCTION. Prior to construction of any stormwater detention basins or other water features on the project site (other than mitigation land), the County of Monterey shall require that the project applicant design detention basins to drain rapidly after a storm event so that these water features minimize attracting breeding of non-native California tiger salamanders and other invasive species, such as bullfrogs. Proposed stormwater design features and strategies shall also be subject to review and approval by the Monterey County Water Resources Agency. Stormwater system design shall be part of an approved stormwater pollution prevention program (SWPPP).

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

Prior to construction of any stormwater detention basins or other water features on the project site (other than mitigation land), the County of Monterey shall require that the project applicant design detention basins to drain rapidly after a storm event so that these water features minimize attracting breeding of non-native California tiger salamanders and other invasive species, such as bullfrogs.

92. MM3.3-3a

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - PRECONSTRUCTION SURVEY - BATS. Within 30 days prior to removal or disturbance of oak trees, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for potential bat roost sites within 100 feet of the area of site disturbance. Preconstruction surveys shall occur during the time when bats would be expected to be present and active (i.e., early April) in order to determine whether or not roosting bats are present. If no evidence exists that bats are roosting, no further action is required. Any and all survey results shall be submitted to Monterey County Planning Department to assess and verify condition compliance. If roosting bats are determined to be present, the following mitigation measure shall be implemented:

- 1) Roosting sites maintained within open space areas or that are otherwise avoidable shall be protected during construction by construction fencing, providing a minimum 100-foot buffer from areas of disturbance.
- 2) Roosting sites that would be directly affected by disturbance (within 100 feet of the roost) shall be mitigated with the installation of artificial bat boxes within the project's open space area. A minimum of five bat boxes per impacted roost site will be installed, with the type of box dependent upon the bat species.
- 3) Signage shall be provided identifying areas of protected habitat to inform construction personnel and recreationalists as to the presence of protected species and habitat and the importance of preservation.

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

Prior to removal or disturbance of oak trees, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for potential bat roost sites within 100 feet of the area of site disturbance.

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - PRECONSTRUCTION SURVEY - MONTEREY DUSKY-FOOTED WOODRAT AND AMERICAN BADGER. Within 30 days prior to removal or disturbance of riparian and grassland habitat on the project site, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for the presence of the following special-status mammal species and their nesting sites: Monterey dusky-footed woodrat (and their nests) and American badger (and their dens). Preconstruction surveys shall occur during the time when these species would be expected to be present. If no evidence exists that either species is present, no further action is required. If species or nests/dens are determined to be present, the following mitigation steps shall be taken.

1) Nesting habitat area maintained within open space areas shall be protected during construction by construction fencing, providing a minimum 100-foot buffer from areas of disturbance.

2) For impacts to nesting habitat for Monterey dusky-footed woodrat that cannot be avoided due to engineering and site constraints, the project applicant shall contract with a qualified biologist to dismantle the nests prior to construction to ensure that no animals are taken during construction. Nest removal will only occur after any woodrat have abandoned the nest, unless otherwise approved by CDFW.

3) For impacts to natal habitat for the American badger, temporary protective buffers shall be established by a qualified biologist to avoid direct take of this mammal species.

All survey results and recommendations shall be submitted to Monterey County to assess and verify condition compliance.

Compliance or Monitoring Action to be Performed: Prior to removal or disturbance of riparian and grassland habitat on the project site, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for the presence of the following special-status mammal species and their nesting sites: Monterey dusky-footed woodrat (and their nests) and American badger (and their dens).

94. MM3.3-4a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - RELOCATE LOTS #1-#15. Existing riparian habitat areas shall be avoided and protected where feasible and otherwise mitigated so that there will be no net loss of riparian habitat. The following performance-based mitigation and management steps shall be taken to avoid disturbance or removal of habitat and associated special-status species (plant and animal) and to create or restore additional habitat if necessary:

- 1) The site plan or final improvement plans shall be modified to relocate Lots #1 through #15 and associated improvements in order to avoid riparian habitat and to include the riparian habitat within open space easements. Any plan modifications are subject to review and approval by the Monterey County Planning Department Monterey County RMA-Planning.
- 2) During construction, avoided riparian habitat shall be protected using construction fencing, providing a minimum 200-foot buffer from areas of disturbance where feasible. No construction activity shall be allowed beyond exclusionary fence lines, and the exclusionary fences are to be monitored on a daily basis while work is being performed adjacent to these resources.
- 3) Signage shall be provided identifying protected areas to inform construction personnel and recreationalists as to the presence of the protected habitat and the importance of preservation.
- 4) Impacted habitat shall be replaced through restoration activities or mitigation bank credit purchase so that there will be no net loss of riparian habitat. Should mitigation consist of restoration, a riparian mitigation and monitoring plan shall be prepared, submitted to the County for review, and implemented during construction.

Compliance or Monitoring Action to be Performed: The site plan or final improvement plans shall be modified to relocate Lots #1 through #15 and associated improvements as shown in the vesting tentative map for Alternative 5-PC and the detailed drawings of Parcel E provided by Whitson Engineers (Whitson Engineers 12/02/2014) in order to avoid riparian habitat and to include the riparian habitat within open space easements. Any additional plan modifications are subject to review and approval by the Monterey County Planning Department Monterey County RMA-Planning.

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - WETLAND HABITAT. Prior approval of final improvement plans on or near Lots #91 through #93, Lots #104 through #107, Ferrini Ranch Road at the north end of Parcel A, Lots #138 through #145a, and the roadway between Lots #27 and #31, the grading areas shall be resurveyed by a qualified biologist to document and confirm the area of disturbance to wetland habitat. Where wetlands or wetland habitat would be disturbed by construction activities, the following performance-based mitigation and management steps shall be taken to reduce the loss of wetland habitat, avoid disturbance or removal of associated special-status species (plant and animal) as feasible, and create additional habitat:

1) Where feasible, the site plan/improvement plans shall be modified to relocate individual lots or improvements in order to avoid wetland habitat and to include the wetland habitat within open space easements. Any plan modifications are subject to review and approval by the Monterey County Planning Department Monterey County RMA-Planning.

2) Existing wetland habitat shall be restored, maintained, and protected within open space areas and placed under conservation easements in perpetuity.

3) For impacts to non-jurisdictional wetland habitat that cannot be avoided due to engineering and site constraints, the project applicant shall identify an area of the project site as created wetland habitat, for long-term management, in an amount at least equal to the area disturbed or impacted resulting in "no net loss" of wetland area. The project applicant shall contract with a qualified biologist to prepare a wetland mitigation and management plan in accordance with the requirements of the Regional Water Quality Control Board. The wetland mitigation and management plan shall include the following:

- Target areas for creation/restoration.
- A complete biological evaluation of the existing resources on the target areas.
- Specific creation and/or restoration plans for each target area.
- Performance standards for success that will illustrate that the compensation ratios are met.
- A monitoring plan including schedule and annual report format.
- Detailed management measurements.

The project applicant shall submit the wetland mitigation and management plan to the Monterey County Planning Department Monterey County RMA-Planning for approval prior to engaging in mitigation activities (including mitigation land acquisition). The land utilized to satisfy this mitigation measure shall be protected through a fee title or conservation easement in perpetuity. Additionally, the project applicant is responsible for the cost of the conservation easement or fee title and establishment of a maintenance plan for mitigation areas. Resources within the on-site preserve can be assumed to partially fulfill this requirement when the conservation easement for this area is established. Mitigation monitoring will be continuous until the performance standards identified in the wetland mitigation and management plan are consistently met for five consecutive years.

4) During construction, protective construction fencing shall be used, providing a minimum 100-foot buffer from areas of disturbance. No construction activity shall be allowed beyond exclusionary fence lines, and the exclusionary fences are to be monitored on a daily basis while work is being performed adjacent to these resources. If any soils or materials enter the riparian or wetland habitats, all construction shall be halted until the County is consulted. Construction shall re-commence upon authorization.

5) Signage shall be provided identifying protected areas to inform construction

personnel and recreationalists as to the presence of the protected habitat and the importance of preservation.

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

Prior approval of final improvement plans on or near Lots #91 through #93, Lots #104 through #107, Ferrini Ranch Road at the north end of Parcel A, and Lots #138 through #145a, and the roadway between Lots #27 and #31, the grading areas shall be resurveyed by a qualified biologist to document and confirm the area of disturbance to wetland habitat.

96. MM3.3-5

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - 404/401 PERMITS. The project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.

Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.

Evidence of compliance with this mitigation measure shall be provided to Monterey County prior to construction and grading activities for the proposed project.

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

The project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - IMPROVEMENT PLANS REVIEWED. Prior to issuance of grading permits, improvement plans shall be reviewed by a certified arborist and County planning staff. Plans shall be field verified and modified as feasible and practicable considering engineering constraints to preserve as many healthy trees as possible and to minimize impacts on trees to be retained. Design and construction recommendations provided in the Forest Management Plan and Supplemental Forester's Report, prepared by Staub Forestry and Environmental Consulting in September 2006 and March 2010, respectively, shall be implemented during the final design of the roadways, trails, utilities, and individual building envelopes. Tree removal and replacement plans shall be prepared by a qualified professional forester or arborist and shall be subject to review and approval by the County of Monterey Planning Department. The Monterey Agricultural Commissioner's Office shall be contacted prior to removing any oak tree in order to comply with current Sudden Oak Death quarantine requirements.

The tree removal and replacement plan shall address removal of trees within any acre of land with a 5-inch dbh or greater native oak species consistent with Section 21083.4(b) of the Public Resources Code. The mitigation measures required by the County of Monterey include the following:

1) Replant on-site an appropriate number of trees for 100 percent of the direct impact at a 1:1 ratio (currently estimated at 921 trees). Maintenance and monitoring of plantings shall be kept in place by the project applicant and/or property owners association (POA) for seven years. Replanting as required by this measure may be used to restore former oak woodlands, and replanting shall be located in areas that will not be compromised by excessive tree density.

2) The project applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. Payment into the Oak Woodlands Conservation Fund mitigates 50% of the project's impact to this resource, or to approximately 7 acres of oak woodland removal.

All protected coast live oak (*Quercus agrifolia*) trees with diameters at breast height less than 24 inches that are proposed for removal shall be replaced on a 1:1 basis in accordance with Section 21.64.260 of the Monterey County Zoning Code. Frequently, replanting at a 3:1 ratio is recommended in order to achieve a successful replacement ratio of 1:1. However, grassland habitat on the project site is considered to be at least as ecologically valuable as the oak woodland habitats. Therefore, replanting of coast live oaks at a 1:1 ratio is recommended on the project site in order to ensure there is no excessive loss of grassland habitat. Additional mitigation will be provided through a contribution to the Oaks Woodlands Conservation Fund.

Tree replacement shall be the same species as removed and should be local native stock. Existing volunteer seedlings on the project site may be transplanted to provide suitable replacement planting stock of known local origin. If replanting stock is not transplanted from on-site sources, the replanting stock shall be grown from local native seed stock in sizes no greater than 5 gallons, with 1-gallon, D40 Treepot size or smaller preferred to ensure the highest replanting success rate. Trees removed shall be replanted on the same lot(s) outside areas subject to development. Trees removed due to infrastructure improvements (i.e., roadways) shall be replanted on designated open space parcels or easements.

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

Prior to issuance of grading permits, improvement plans shall be reviewed by a certified arborist and County planning staff.

98. MM3.3-6b

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - TREE PROTECTION. Prior to commencement of construction activities, protective fencing shall be erected along the driplines of each protected tree or group of trees to be preserved. No construction activities or storage of equipment or construction materials shall occur within the protective fence line. No soil may be removed from and no fill of additional soil exceeding 2 inches shall occur within the dripline or against the base of any tree, unless it is part of approved construction and approved on the improvement plans.

Implementation of the above mitigation measures would require preparation of site-specific tree removal and replacement plans prior to issuance of grading permits to ensure the loss of oak woodlands and individual coast live oak trees is minimized and that removed trees are replanted in accordance with Section 21.64.260 of the Monterey County Zoning Code and Section 21083.4 of the Public Resources Code. In addition, during construction activities, protective fencing shall be installed along the dripline of protected trees or group of trees to be preserved in order to minimize damage to remaining trees. Therefore, the impact to sensitive oak woodland habitat would be reduced to a less than significant level.

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

Prior to commencement of construction activities, protective fencing shall be erected along the driplines of each protected tree or group of trees to be preserved.

99. MM3.3-7

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - AVIAN HABITAT. The project applicant shall conduct all construction, vegetation removal or tree removal outside the active nesting seasons (typically February 1 through August 31) to the extent feasible and practicable. In areas where construction will occur during the active nesting season, the project applicant shall retain a qualified biologist to conduct a focused survey for the presence or absence of burrowing owls and active nests of raptors and migratory birds within and in the vicinity of the construction area. Surveys shall be conducted no more than 30 days prior to ground disturbance and provided to the Monterey County Planning Department Monterey County RMA-Planning for verification of condition compliance.

If burrowing owls or other active bird nests are located during preconstruction surveys, the following mitigation steps shall be taken:

- 1) During construction, exclusion fencing shall be maintained, providing a minimum 500-foot buffer from areas where burrowing owls have been identified. Buffers will be established by qualified biologists under the guidance of CDFW. For construction activities proposed near active nests of raptors or other migratory birds, buffer/exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around the nest) shall be established or the construction schedule altered. The buffer zones shall remain in place until the nests are naturally abandoned and birds have fledged, or the biologist deems disturbance potential to be minimal. No nest avoidance activities are necessary if construction will occur during the non-breeding season (between September 15 and February 1).
- 2) Signage shall be provided identifying areas of buffers to inform construction personnel and recreationalists as to the presence of protected species and habitat and the importance of preservation.
- 3) Burrowing owl preconstruction surveys shall be conducted no more than 10 days prior to any construction startup, irrespective of season. Should burrowing owls be determined to occupy the construction site, exclusion fencing shall be maintained, providing a minimum 300-foot buffer from areas where burrowing owls have been identified. The project applicant may have a qualified biologist relocate the owls through the use of one-way doors over burrows upon approval by the CDFW during the non-nesting season (September 1 through February 1).

Compliance or Monitoring Action to be Performed: The project applicant shall conduct all construction or tree removal outside the active nesting seasons (typically February 1 through August 31) to the extent feasible and practicable.

100. MM3.3-8a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - WILDLIFE CORRIDORS. Consistent with mitigation measure MM 3.3-4a, the project applicant shall revise the site plan in the vicinity of El Toro Creek to remove or relocate development away from the riparian corridor to allow sufficient wildlife movement and access and preserve other biological resources and habitat.

Compliance or Monitoring Action to be Performed: Consistent with mitigation measure MM 3.3-4a and the vesting tentative map for Alternative 5-PC, the project applicant shall revise the site plan and improvement plans in the vicinity of El Toro Creek to remove or relocate development away from the riparian corridor to allow sufficient wildlife movement and access and preserve other biological resources and habitat.

101. MM3.3-8b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - LIMIT BARRIER FENCING. CC&Rs shall be established for the subdivision that limit the use and installation of solid barrier fencing beyond the building envelopes and yard areas. Fencing along State Route 68 in the vicinity of the wildlife corridor as identified in Diamond et al. (2011) will be designed to allow for wildlife movement but still contain cattle and allow for continued grazing on the open space lands. Cattle fencing along the internal road system will also be designed to allow for wildlife movement while keeping cattle off the road system.

Compliance or Monitoring Action to be Performed: CC&Rs shall be established for the subdivision that limit the use and installation of solid barrier fencing beyond the building sites and yard areas.

102. MM3.3-8c

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - OPEN SPACE MANAGEMENT PLAN. Prior to recordation of the final map, the Monterey County Planning Department Monterey County RMA-Planning shall require the project applicant to submit for review and approval an open space management plan (OSMP). The OSMP shall identify the area to be placed under the open space easement, scenic corridor easement, B-6 zoning, allowed uses, maintenance management procedures, and timing. The plan shall identify all sensitive areas and specific management requirements for each area. This shall include, but not be limited to, maintaining open space areas located on both sides of the undercrossing and along State Route 68 in the vicinity of the undercrossing so that species moving north-south through the project site have an intact corridor through which to pass. The small portion of the project site located north of State Route 68 shall be reclassified RC VS-D-S (Resource Conservation with Visual Sensitivity, Design Control, and Site Plan review overlays), with a scenic conservation easement. All maintenance plans shall be made part of the project's OSMP. As part of the OSMP, a Property Analysis Record (PAR) shall be used to calculate the endowment required to fund the OSMP in perpetuity.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Monterey County Planning Department Monterey County RMA-Planning shall require the project applicant to submit for review and approval an open space management plan (OSMP).

103. MM3.3-8d

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CATTLE FENCING ON LOTS #27 AND #28. Cattle fencing that is permeable to wildlife movement will be installed along the road in the vicinity of Lots #27 and #28 as it traverses up the canyon in the southern portion of the site. Where appropriate to direct tiger salamander to road undercrossings, barriers along the bottom of the fence will be included to direct amphibians and small mammals to such undercrossings. Lighting will be restricted to that necessary to illuminate the road surface and will not be directed into open space areas. Any culverts or bridges over the ephemeral drainage will be designed with sufficient capacity to allow for small animal passage.

Compliance or Monitoring Action to be Performed: Fencing requirements shall be noted on the final map. All other improvements shall be implemented as part of the subdivision improvements.

104. MM3.4-1a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-661. The project applicant shall modify the proposal to avoid site CA-MNT-661 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). Avoidance will require the relocation of roadway and utility improvements as necessary, and the site shall not be used for construction staging, material borrow, or other uses that would otherwise result in physical impacts. This site shall be placed within an archaeological easement with restricted access to ensure long-term protection. The easement shall be recorded on the project's final maps. Site CA-MNT-954 will not be impacted and warrants no specific mitigation.

Compliance or Monitoring Action to be Performed: The project applicant shall modify the proposal to avoid site CA-MNT-661 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

105. MM3.4-1b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-3. The project applicant shall modify the proposal to avoid disturbance to site CA-MNT-3 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). Avoidance will require the relocation of several residential lots and all project infrastructure (roadways, berms and utility improvements). The site shall not be used for construction staging, material borrow, or other uses that would otherwise result in physical impacts. This site shall be placed within an archaeological easement with restricted access to ensure long-term protection. The easement shall be recorded on the project's final maps.

Full avoidance is considered the most effective mitigation strategy for this site. However, this impact can also be mitigated by a combination of full avoidance of the primary deposit, plus implementation of the detailed data recovery, analysis, and monitoring plan as specified within the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR) for the secondary deposit.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map or issuance of any permits, the project applicant shall modify the proposal to avoid disturbance to site CA-MNT-3 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

106. MM3.4-1c

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-4/267. The project applicant shall modify the proposal to avoid disturbance to site CA-MNT-4/267 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). Avoidance will require the relocation of several residential lots and roadway and utility improvements as necessary, and the site shall not be used for construction staging, material borrow, or other uses that would otherwise result in physical impacts. This site shall be placed within an archaeological easement with restricted access to ensure long-term protection. The easement shall be recorded on the project's final maps.

Full avoidance is considered the most effective mitigation strategy for this site. However, impacts to this site can also be mitigated by a combination of relocation of lots within primary deposit, plus relocation of the access road and other improvements such that excavation into the deposit is not required and the site is effectively capped. Any mitigation other than full avoidance also requires implementation of the detailed data recovery, analysis and monitoring plan.

Compliance or Monitoring Action to be Performed: The project applicant shall modify the proposal to avoid disturbance to site CA-MNT-4/267 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

107. MM3.4-1d

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-3 AND/OR CA-MNT-4/267. If it is not feasible to fully avoid CA-MNT-3 and/or CA-MNT-4/267 and if physical development is to be considered by the applicant and Monterey County on any portion of these sites, the project applicant shall implement the detailed data recovery, analysis, and monitoring plan as specified within the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). The data recovery and mitigation plan identifies specific measures and techniques for professional analysis and recordation of excavated resources. Any reports resulting from the data recovery, analysis, and monitoring efforts shall be submitted to the County of Monterey Planning Department and any affected Native American representatives.

Compliance or Monitoring Action to be Performed: If it is not feasible to fully avoid CA-MNT-3 and/or CA-MNT-4/267 and if physical development is to be considered by the applicant and Monterey County on any portion of these sites, the project applicant shall implement the detailed data recovery, analysis, and monitoring plan as specified within the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

108. MM3.4-3a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - STOP WORK. If, during the course of construction and implementing the proposed project, cultural resources (i.e., prehistoric sites, historic sites, or isolated artifacts and features) are discovered work shall be halted immediately within 50 feet of the discovery, the Monterey County Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards and Guidelines in archaeology and/or history shall be retained to determine the significance of the discovery.

The Monterey County RMA - Planning Department and the project applicant shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards and Guidelines in archaeology and/or history for any unanticipated discoveries. The Monterey County RMA - Planning Department and the project applicant shall consult and agree upon implementation of a measure or measures that they deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.

Compliance or Monitoring Action to be Performed: If, during the course of construction and implementing the proposed project, cultural resources (i.e., prehistoric sites, historic sites, or isolated artifacts and features) are discovered work shall be halted immediately within 50 feet of the discovery, the Monterey County Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards and Guidelines in archaeology and/or history shall be retained to determine the significance of the discovery.

109. MM3.4-3b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - NOTIFICATION OF ARCH. SENSITIVITY. The project applicant shall include in their construction contract document notification to the construction staff of the archaeological sensitivity of the project site. All construction staff shall also be informed of all appropriate mitigation measures during a pre-construction meeting or other appropriate format prior to implementation of ground disturbing activity associated with the proposed project.

Compliance or Monitoring Action to be Performed: The project applicant shall include in their construction contract document notification to the construction staff of the archaeological sensitivity of the project site

110. MM3.5-1

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEOLOGY/SOILS - SEISMIC. A note shall be recorded on the final map stating "The project applicant shall design buildings according to the most current California Building Code, as well as the seismic coefficients identified by Soil Surveys in the December 31, 2007, geotechnical investigation or any subsequent updates prepared for the project. All recommended specifications in Section X of Soil Surveys' geotechnical investigation shall be incorporated into the design and construction of the project in accordance with Policy 15.1.11 of the Monterey County General Plan."

During the course of construction of subdivision improvements, the project applicant shall contract with a qualified engineering geologist to be on-site during grading operations to make on-site remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the preliminary geologic and geotechnical report prepared by Kleinfelder and the geotechnical investigation prepared by Soil Surveys. Prior to final inspection, the project applicant shall provide certification from a qualified professional that all development has been constructed in accordance with all applicable geologic and geotechnical reports.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be placed as a note on the final map. Prior to issuance of any permits, the developer shall provide evidence of a contract.

111. MM3.5-2a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEOLOGY/SOILS - GEOTECHNICAL INVESTIGATION. A note shall be recorded on the final map stating "Recommendations provided in the Soil Systems, Inc. Geotechnical Investigation shall be incorporated into the design and construction of the project in accordance with Policy 15.1.11 of the Monterey County General Plan. Debris flow walls upslope of Lot #23 and the small clustered PUD sites are required. Evaluation of final building site locations shall occur by a qualified professional to determine if debris flow walls are required for Lots #23, #27, #28, #48, #103-105, #138 through #145a.

Compliance or Monitoring Action to be Performed: A note shall be recorded on the final map.

112. MM3.5-2b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEOLOGY/SOILS - SOIL CONDITIONS DURING GRADING. During grading activities, the project applicant shall contract with a qualified Engineering Geologist to observe soil conditions during rough grading operations on all lots and make remediation recommendations as necessary.

Compliance or Monitoring Action to be Performed: During grading activities, the project applicant shall contract with a qualified Engineering Geologist to observe soil conditions during rough grading operations on all lots and make remediation recommendations as necessary.

113. MM3.5-6

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GEOLOGY/SOILS - EXPANSIVE SOILS. A note shall be placed on the final map stating "Prior to issuance of building permits for Lots #138 through #145a and #80 and #80a, and any additional lots determined necessary by the retained qualified professional, the following is required:

- Spread footings shall be constructed a minimum of 18-inches below finished inside pad soil grade, measured from the low side of the footing, for both one and two story portions of the new buildings, and continuous footings at all building sites shall be reinforced with a minimum of two #4 reinforcing bars placed near the bottom of the footing.
- Foundation excavations shall be flooded with three to four inches of water at least 24 hours prior to pouring concrete, and subgrade for building slabs and foundations shall be brought to the low plastic limit range of moisture for a depth of at least eight inches prior to pouring concrete.
- Concrete floor slabs-on-grade shall be at least five inches thick and shall be reinforced with a minimum of #4 steel rebars placed 18 inches on center, both ways, at the sites having expansive near surface soil conditions.
- No new tree or high water using shrub shall be placed within 15-feet of any building foundation.
- Any lawns and landscaped strips near the buildings shall be well watered and maintained after completion of the project
- Roof and site water should be directed away from all building foundations; positive drainage shall be established away from the buildings toward driveways or down-slope of the buildings toward one of the adjacent drainage swales.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be placed as a note on the final map.

114. MM3.6-2a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GROUNDWATER RESOURCES/HYDROLOGY - WATER INTENSIVE USES PROHIBITED. Prior to filing the final map, the project applicant shall submit CC&Rs for review and approval by the Director of Planning that prohibit water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots, open space parcels, or Parcel D.

Compliance or Monitoring Action to be Performed: Prior to filing the final map, the project applicant shall submit CC&Rs for review and approval by the Director of Planning that prohibit water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots, open space parcels, or Parcel D.

115. MM3.6-2b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GROUNDWATER RESOURCES/HYDROLOGY - LANDSCAPING. A note shall be recorded on the final map stating "The project applicant shall submit for review and approval by the Director of Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. The Landscape Documentation Package shall demonstrate compliance with the substantive requirements of the Department of Water Resources' Model Water Efficient Landscape Ordinance, Title 23, California Code of Regulations, Sections 490-495, or any subsequent water conservation Ordinance adopted by the County for the same purpose. The final map and each site plan shall indicate that submittal and approval of the Landscape Documentation Package for each lot is required for development of the lot prior to issuance of building permits. Building permits shall specify ongoing compliance with the ordinances in place at the time of issuance.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the project applicant shall submit for review and approval by the Director of Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan.

116. MM3.6-2c

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GROUNDWATER RESOURCES/HYDROLOGY - HIGH EFFICIENCY TOILETS. Prior to final map approval, the project applicant shall submit for review and approval by the Director of the Planning Department CC&Rs that contain language requiring that all toilets installed on the project site meet the requirements of the U.S. Environmental Protection Agency's specifications for Water Sense Tank-Type High-Efficiency Toilets and ultra low flow devices, respectively.

Compliance or Monitoring Action to be Performed: Prior to final map approval.

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: WATER QUALITY - STORMWATER BMPS. In order to reduce pollutant loads, the proposed project shall comply with Monterey County grading, erosion control, and stormwater regulations. Prior to recordation of the final map, the following information shall be submitted to RMA-Environmental Services for review and approval.

- The applicant shall submit and implement a grading plan prepared by a licensed professional engineer incorporating Monterey County Code Chapter 16.08 requirements and the Geotechnical Investigation Report recommendations. The grading plan shall be stamped by a licensed geotechnical engineer certifying compliance with the recommendations in the Geotechnical Investigation Report prepared by Soil Surveys, Inc.
- The applicant shall submit and implement an erosion control plan, in conformance with Monterey County Code Chapter 16.12, identifying the proposed methods to control runoff and erosion including the location and details for all selected erosion control measures. The erosion control plan may be incorporated into other required plans provided it is clearly identified.
- The applicant shall submit and implement a stormwater control plan with supporting calculations prepared by a licensed professional engineer. The plan shall address the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region.
- The applicant shall submit and implement an operation and maintenance plan prepared by a registered professional engineer that includes, at a minimum, the following:
 - o A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
 - o O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices.
 - o The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.

The applicant shall submit a Waster Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the applicant shall submit a grading plan, erosion control plan, stormwater control plan, operation and maintenance plan, and WDID number to RMA-Environmental Services for review and approval.

118. MM3.7-3b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: WATER QUALITY - DRAINAGE/FLOOD CONTROL SYSTEMS AGREEMENT. The applicant shall enter into a Maintenance Agreement (Agreement) with Monterey County and the Monterey County Water Resources Agency to identify the responsible party for ongoing maintenance of drainage and flood control facilities. The Agreement shall contain provisions for an annual report to be prepared by a registered professional engineer. The annual report shall be submitted to RMA-Environmental Services and the Water Resources Agency, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. Certification shall be provided that all recommended maintenance has been completed before the start of the rainy season.

If the responsible party identified in the agreement, after notice and hearing, fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County and the Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the project site to perform repairs, maintenance, and improvements. Monterey County and the Monterey County Water Resources Agency shall have the right to collect the cost of said repairs, maintenance, or improvements from the property owners on their property tax bills.

Compliance or Monitoring Action to be Performed: Prior to filing the final map, the project applicant shall enter into an agreement with Monterey County and the Monterey County Water Resources Agency.

119. MM3.7-4

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: WATER QUALITY - 50 FEET FROM TOP OF BANK. Residential lots shall be located at least 50-feet from the "top of bank" of the San Benancio Gulch, as defined in Chapter 16.16 of the Monterey County Code.

Compliance or Monitoring Action to be Performed: Prior to approval of final map.

120. MM3.8-1a**Responsible Department:** RMA-Planning

Condition/Mitigation Monitoring Measure: HAZARDS/HAZARDOUS MATERIALS - DEBRIS PILE/CONSTRUCTION YARD SITE. Prior to issuance of a grading permit for the areas involving the debris pile, and construction yard sites the Monterey County Planning Department shall require that the project applicant hire qualified environmental professionals (hazardous materials abatement and archaeologist) to observe the removal of the debris pile located at the residence and to conduct a follow-up site visit to the construction yard located at San Benancio Road and State Route 68 upon removal of the materials to assess the presence of recognized environmental concerns. Prior to removal, a Phase II ESA shall be conducted at these locations. If soil samples from the Phase II investigation identify remnant contamination or hazardous materials, the project applicant shall have contaminated soil and/or materials removed, transported, disposed of at an authorized landfill, or otherwise abated and remediated by a certified professional in accordance with local, state, and federal regulations. Removal of contaminated materials will be observed by an environmental specialist and a qualified archaeological consultant, and all findings will be catalogued. Any remediation will be conducted pursuant to the Department of Toxic Substances Control's Proven Technologies and Remedies (PT&R) for the identified contaminant. A post-cleanup report will be provided to the County documenting the materials found, and how they were disposed. The presence of the archaeologist is due to the proximity of known cultural resources in this general location.

Compliance or Monitoring Action to be Performed: Prior to issuance of a grading permit for the areas involving the debris pile, and construction yard sites the Monterey County Planning Department shall require that the project applicant hire qualified environmental professionals (hazardous materials abatement and archaeologist) to observe the removal of the debris pile located at the residence and to conduct a follow-up site visit to the construction yard located at San Benancio Road and State Route 68 upon removal of the materials to assess the presence of recognized environmental concerns.

121. MM3.8-1b**Responsible Department:** RMA-Planning

Condition/Mitigation Monitoring Measure: HAZARDS/HAZARDOUS MATERIALS - FUEL TANKS. Prior to issuance of a grading permit for the area involving the immediate vicinity of the Ferrini Ranch complex, the Monterey County Planning Department shall require that the project applicant hire a qualified environmental professional to conduct a subsurface investigation for evidence of fuel tanks and/or fuel tank equipment in the vicinity. This investigation may be accomplished through probing, electromagnetic surveying, or digging. Any fuel tank or associated equipment identified during the investigation shall be properly abated and disposed of by a qualified professional. If unidentified fuel tanks, fuel lines, or other associated equipment are discovered during grading activities, all work shall halt in that area and a qualified professional shall be contacted for abatement. This will ensure that potential exposure to fuel-related hazards is reduced.

Compliance or Monitoring Action to be Performed: Prior to issuance of a grading permit for the area involving the immediate vicinity of the Ferrini Ranch complex, the Monterey County Planning Department shall require that the project applicant hire a qualified environmental professional to conduct a subsurface investigation for evidence of fuel tanks and/or fuel tank equipment in the vicinity.

122. MM3.10-3

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: PUBLIC SERVICES/UTILITIES - RECREATION REQUIREMENTS/FEES. The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)

Compliance or Monitoring Action to be Performed: Comply with the requirements of the mitigation measure prior to recording the final map.

123. MM3.10-4c

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: PUBLIC SERVICES/UTILITIES - CONTROLLING ACCESS TO TORO PARK. Prior to approval of final improvement plans, the project applicant shall include measures to ensure that illegal or uncontrolled access to park property is minimized to the extent feasible. The CC&Rs for the subdivision shall clearly identify that unauthorized access to park property or park use outside of operating hours is a violation.

Compliance or Monitoring Action to be Performed: Prior to approval of final improvement plans, the project applicant shall include measures to ensure that illegal or uncontrolled access to park property is minimized to the extent feasible.

124. MM3.11-1a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - CONSTRUCTION NOISE ATTENUATION. Prior to commencement of construction activities, the project applicant(s) shall submit for review and approval by the Director of the Planning Department, final construction documents and improvement plans that identifies the specific measures will be implemented to reduce noise levels generated during construction. During the course of construction of on-site and off-site improvements, the project applicant shall implement mitigation measures to reduce significant noise impacts to noise-sensitive land uses. Measures for attenuating noise during construction include, but not limited to, the following:

- Noise-generating construction operations (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to the hours between 7 a.m. to 7 p.m. Monday through Friday.
- Construction equipment and equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.
- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- When not in use, motorized construction equipment shall not be left idling.
- The noise reduction measures demonstrated on final improvement plans will be based on the ultimate location and timing of construction relative to the school. Any combination of measures is acceptable as long as they demonstrate compliance with County noise standards.

Compliance or Monitoring Action to be Performed: Prior to commencement of construction activities, the project applicant(s) shall submit for review and approval by the Director of the Planning Department, final construction documents and improvement plans that identifies the specific measures will be implemented to reduce noise levels generated during construction.

125. MM3.11-1b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - CONSTRUCTION NOISE NOTIFICATION. Prior to issuance of a building or grading permit for on-site and off-site improvements, the applicant shall provide the Monterey County Planning Department with the name and telephone number of the individual empowered to manage construction noise generated by the proposed project. This information shall also be included in the final construction documents and improvement plans required through implementation of mitigation measure MM 3.11-1a. An information sign shall be posted at the construction site entrance that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. The designated construction contact shall record all noise complaints received and actions taken in response, and submit this record to Monterey County Planning Department upon request.

Compliance or Monitoring Action to be Performed: Prior to issuance of a building or grading permit for on-site and off-site improvements, the applicant shall provide the Monterey County Planning Department with the name and telephone number of the individual empowered to manage construction noise generated by the proposed project.

126. MM3.11-1c

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - CONSTRUCTION NOISE - ADJACENT TO SAN BENANCIO MIDDLE SCHOOL. Prior to the start of on- and off-site grading activities and during the course of construction of Road D, Lots #6 through #12, Lots #12 through #22, park alterations, and the western portion of the multipurpose trail, the project applicant shall either:

- 1) Install temporary barriers to reduce significant noise impacts to San Benancio Middle School, if work is to be performed while school is in session. The temporary barriers shall be constructed along the nearest project site boundary to San Benancio Middle School in order to interrupt the line of sight between heavy-duty equipment operating at the construction site and San Benancio Middle School. Based on the analysis and modeling conducted, the temporary barriers shall be constructed to a minimum height of 8 feet above ground surface with no visible air gaps between construction panels or at the ground surface. Barrier construction materials may consist of, but are not necessarily limited to, the use of sound-rated curtains and/or wood panels; or
- 2) As an alternative to temporary barriers, the applicant may utilize permanent barriers (such as boundary fences and walls) that are part of the project. Any such permanent feature must prove at least as effective as a temporary barrier, and must not cause secondary noise impacts in its construction or placement; or
- 3) Prior to construction in the areas specified, the applicant shall submit to the Director of Planning for review and approval a site-specific acoustical analysis based on the final improvement plans and construction equipment to be used. The findings of any such analysis shall identify estimated noise levels at nearest sensitive receptors, and provide effective attenuation measures that are at least as effective as options a) and b), and achieve compliance with Monterey County noise standards.

Compliance or Monitoring Action to be Performed: Construction noise mitigation shall be implemented as provisions of the subdivision improvement plans and construction management plan.

127. MM3.11-1d

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - CONSTRUCTION NOISE NOTIFICATION. A minimum of one week prior to commencing on-site and off-site construction activities within the areas specified in mitigation measure MM 3.11-1c, the project applicant shall provide written notification to San Benancio Middle School so that any necessary precautions (such as rescheduling or relocation of interior noise-sensitive activities) can be implemented. The written notice shall include the name and telephone number of the individual empowered to manage construction noise from the project.

Compliance or Monitoring Action to be Performed: Notice and receipt of notice shall be provided to RMA-Planning prior to the issuance of any permits.

128. MM3.11-2

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - ACOUSTICAL ANALYSIS. Prior to construction of the booster pumps and sanitary lift stations, the project applicant shall submit for review and approval by the Director of the Planning Department, an acoustical analysis for the proposed booster pumps and sanitary lift stations. The acoustical analysis shall demonstrate that pump station design will reduce operational noise levels sufficient to achieve applicable Monterey County noise standards, which is currently identified as 85 dBA at 50 feet away. Measures may include, but are not necessarily limited to, the use of sound barriers, equipment enclosures, and incorporation of noise-reduction site/facility design features.

The acoustical analysis shall demonstrate that placement of the pump shall be sited to ensure that the an operational noise standard of 55 dBA Leq for the daytime hours (i.e., 7 A.M. to 10 P.M.) and 50 dBA Leq for the nighttime hours (i.e., 10 P.M. to 7 A.M.) will not be exceeded at the property line of nearby sensitive noise receptors (i.e. Lots #66, #67, #84, #44, and #144). The recommended noise criteria are intended to ensure that operational noise levels would not exceed commonly applied noise levels for the maintenance of speech communication within exterior/interior environments of receiving land uses and, in the event that operations would occur continuously over a 24-hour period, would not exceed the commonly applied exterior and interior noise criteria for the protection of activity interference (i.e., 60 and 45 dBA CNEL/Ldn, respectively).

Compliance or Monitoring Action to be Performed: Submit the required acoustical analysis prior to approval of improvement plans or prior to recordation of the final map.

129. MM3.11-4a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - NOISE ATTENUATION THROUGH CONSTRUCTION. The following requirements shall be included as a note on the final map and incorporated into the CC&Rs: The project applicant(s) shall incorporate into the final building design and improvement plans measures to reduce exposure to cumulative increases in ambient noise levels generated from mobile sources. Measures that would reduce the ambient noise levels to acceptable levels include, but are not limited to, the following:

1) The final design of residential dwellings on Lots #1a, Lots #16 and #17, Lots #59, #59a, #60, Lots #74 through #78a, Lots #132 through #134, and Lot #146 shall include additional noise insulation features such as sealed door frames, caulked or insulated exterior pipes, ducts, and sheathing panels, insulation in cavity spaces. Exterior ducts and vents shall be located away from noise sources.

Compliance or Monitoring Action to be Performed: The requirements above shall be included as a note on the final map and incorporated into the CC&Rs.

130. MM3.11-4b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - NOISE ATTENUATION THROUGH DESIGN. A note shall be placed on the final map stating that buildings on Lots #1 through #17, Lots #59 through #60, Lot #74 through #78a, Lots #132 through #134, and Lot #146 shall require the following design elements:

- 1) Exterior walls shall have a sound-transmission-class rating of STC-39, or better; and
- 2) Windows and exterior doors shall have a sound-transmission-class rating of at least STC 32 for stucco or brick homes, and STC 38 for siding homes.

Construction of homes in compliance with the California Building Code should address most of these noise protection measures.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be placed as a note on the final map.

131. MM3.11-4d

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - NOISE ATTENUATION FOR EXTERIOR AREAS. A note on the final map stating that prior to issuance of building permits for residential dwelling units on Lot #1, Lots #15a through #17, Lots #59a through #60, Lots #74 through #78a, Lot #84, Lot #85, Lots #132 through #134 and Lot #146, the project applicant(s) shall submit a lot-specific acoustical analysis for review and approval by the Director of Planning. The findings of any such analysis shall identify estimated noise levels at the lot's exterior and interior spaces, and for any projected exceedance of acceptable noise levels, provide effective attenuation measures to achieve compliance with Monterey County noise standards.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be placed as a note on the final map.

132. MM3.11-4e

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: NOISE - LAGUNA SECA RACEWAY. Prior to or concurrent with recordation of the final subdivision map, the project applicant shall prepare and record a notification agreement disclosing to all future residents at the project site of the presence of the Mazda Raceway at Laguna Seca and the potential for elevated noise levels during events at the raceway. All future residents shall be notified of the potential noise exposure prior to entering into an agreement to purchase a residential lot within the project site.

Compliance or Monitoring Action to be Performed: Prior to or concurrent with recordation of the final subdivision map, the project applicant shall prepare and record a notification agreement disclosing to all future residents at the project site of the presence of the Mazda Raceway at Laguna Seca and the potential for elevated noise levels during events at the raceway.

133. MM 3.12-1a

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: TRANSPORTATION/CIRCULATION - TAMC RDIF - STATE ROUTE 68
Prior to recordation of each final map, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey County Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. The applicant shall receive credits toward their fee for any work done as part of a fee program project per Monterey County Code Section 12.90.050.

Compliance or Monitoring Action to be Performed: Prior to recordation of each final map, the project applicant(s) shall contribute their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. Applicable credits shall be applied as detailed in MCC 12.90.050.

134. MM3.12-1b

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: TRANSPORTATION/CIRCULATION - CITY OF SALINAS TRAFFIC IMPACT FEE.
Prior to issuance of building permits, the project applicant shall pay their fair share toward the City of Salinas Traffic Impact Fee Ordinance.

Compliance or Monitoring Action to be Performed: A Note shall be placed on the Final Map stating the text above.

135. MM3.12-2a

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: TRANSPORTATION/CIRCULATION - SIGHT DISTANCE. Prior to filing the final subdivision map, the project applicant shall submit engineering-level design drawings of the project access points demonstrating adequate sight distance in accordance with Monterey County and Caltrans standards. Assessment of sight distance and channelization needs shall be performed in the project design phase. The design of all intersection improvements shall be submitted for review and approval by the County of Monterey and/or Caltrans, as applicable. All safety improvements will be incorporated into the final improvement plans prior to final map approval. Any widening of roadways necessary to implement access and sight distance improvements would be required to encroach onto the project site. The physical impacts of constructing points of project access have been assessed based on the project footprint as proposed on the Vesting Tentative Map. Any and all mitigation measures identified in the Draft EIR to reduce impacts to natural resources are also applicable to construction of these improvements.

Compliance or Monitoring Action to be Performed: Prior to filing the final subdivision map, the project applicant shall submit engineering-level design drawings of the project access points demonstrating adequate sight distance in accordance with Monterey County and Caltrans standards.

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: GREENHOUSE GASES - REDUCE EMISSIONS. Prior to recordation of the final map, Monterey County RMA-Planning shall require that project applicant(s) implement the following measures to reduce short-term and long-term emissions of GHGs associated with construction and operation of the proposed project:

Construction

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) to the extent practical.
- Low- or No-VOC paints, adhesives and sealants shall be used during the construction of all proposed onsite structures.
- Environmentally preferable and low-emitting materials shall be used for interior finishes and flooring materials of proposed onsite structures.
- CC&Rs for the project shall specify that all newly constructed homes shall be pre-wired with a dedicated 240-volt line to the garage specifically for the purpose of electric vehicle charging.

Operation

- Bicycle parking facilities and preferential parking for carpooling and alternative-fueled vehicles shall be provided at locations (such as the winery facility) determined by the County of Monterey Planning Director. This measure encourages use of alternative transportation by employees and helps to reduce the amount of vehicle miles traveled by the project.
- An alternative transportation plan shall be prepared by the project proponent and reviewed by the Transportation Authority of Monterey County and submitted to the County of Monterey Planning Department RMA-Planning before issuance of construction permits. Feasible alternative transportation measures from among those recommended by TAMC and MBUAPCD include those identified in Table 3.13-13 source (http://www.tamcmonterey.org/programs/envrev/alternate_measures.html)
- Proposed commercial (winery related) uses shall provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Commercial buildings shall employ energy-efficient technology unless technical feasibility of safety concerns take precedent. Examples of such systems would include use of T5HO fluorescent fixtures with electronic ballast, occupancy sensor lighting controls, light emitting diodes, external lighting controls and timers, and other similar measures.
- Indoor and outdoor water conservation measures shall be incorporated, such as use of low-flow toilets, shower heads, faucets and water efficient irrigation.
- Wood-burning fireplaces and stoves shall be prohibited.
- Proposed residential land uses shall provide a minimum of one exterior electrical outlet at rear, side, and front yard locations to promote/allow the use of electric landscape maintenance equipment.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, Monterey County RMA-Planning shall require that an appropriate plan be developed for the construction phases. All other requirements shall be included as notes on the map for future development.