

# County of Monterey HCD Planning

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

PLN200118

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN200118) allows construction of the State Route 156 and Castroville Interchange project, including development within environmentally sensitive habitat areas, on slopes in excess of 25% and the removal of one native tree (Coast live oak) and two non-native landmark trees (eucalyptus). The property is located at State Route 156 between Castroville Boulevard (postmile R1.40) and the Moro Cojo Slough Bridge (postmile 1.60) (Assessor's Parcel Numbers 133-081-007-000, 133-073-002-000, 133-073-005-000, 133-073-008-000, 133-073-034-000, 133-073-009-000, 133-073-001-000, 133-073-004-000, 133-073-007-000, 133-072-031-000, 133-073-006-000, 133-073-003-000, 133-072-014-000, 133-072-006-000, 133-071-013-000, 133-071-012-000, 133-071-021-000, 133-071-010-000, 133-071-011-000, and 133-071-008-000), North County Land Use Plan area. 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 HCD Chief of 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. (HCD - Planning)

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

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit for the Highway 156/Castroville Boulevard Interchange Project (Resolution Number XXX) was approved by Board of Supervisors for Assessor's Parcel Numbers 133-081-007-000, 133-073-002-000, 133-073-005-000, 133-073-008-000, 133-073-034-000, 133-073-009-000, 133-073-001-000, 133-073-004-000, 133-073-007-000, 133-072-031-000, 133-073-006-000, 133-073-003-000, 133-072-014-000, 133-072-006-000, 133-071-013-000, 133-071-012-000, 133-071-021-000, 133-071-010-000, 133-071-011-000, and 133-071-008-000) on March 21, 2023. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

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

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

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.  
(RMA - Planning)

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

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

#### 4. PW0001 - ROADWAY IMPROVEMENT (COUNTY R/W)

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The design and construction of proposed improvements (Roadway, Curb & Gutter, Sidewalks, ADA Ramp, striping, etc.) within County of Monterey Right of Way are subject to the approval of the PWFP. Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Applicant shall submit the design for review and approval of the PWFP, obtain an encroachment permit from the HCD-Engineering Services prior to issuance of construction or grading permits, and construct and complete improvements prior to commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

#### 5. PDSP001 - CTS AND SCLTS INCIDENTAL TAKE PERMITS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant/owner shall comply with the Endangered Species Act (ESA) or the California Endangered Species Act (CESA) and consult with CDFW and USFWS to obtain Section 2081 Incidental Take Permits for the incidental take of California Tiger Salamander (CTS) and Santa Cruz Long-toed Salamander (SCLTS) prior to the issuance of a grading permit. The project applicant will be required to implement the approved mitigation monitoring plan and any additional permit requirements.

**Compliance or Monitoring Action to be Performed:** Prior to initiation of any ground disturbance, the Applicant/Owner shall submit to HCD-Planning a copy of the approved CTS incidental take permits from the CDFW.

Prior to initiation of any ground disturbance, the Applicant/Owner shall submit to HCD-Planning a copy of the approved SCLTS incidental take permits from the CDFW and USFWS.

## 6. PDSP002 - WATERS OF THE U.S AND STATE

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Applicant/Owner shall comply with the Clean Water Act and Fish and Game Code and coordinate with the Army Corps of Engineers (USACE) to obtain a Section 404 Water Quality Certification Permit, the Regional Water Quality Control Board (RWQCB) to obtain a Section 401 Water Quality Certification, and California Department of Fish and Wildlife (CDFW) to obtain a Section 1602 Lake and Streambed Alteration Agreement. All measures included in the permits to avoid, reduce, or mitigate impacts to waters of the U.S. and state shall be implemented. These measures may include, but not be limited to, construction timing restrictions, revegetation of disturbed areas, monitoring, and reporting.

**Compliance or Monitoring Action to be Performed:** Prior to initiation of any ground disturbance, applicant/owner shall submit to HCD-Planning a copy of the approved Section 404 Water Quality Certification from the USACE.

Prior to initiation of any ground disturbance, applicant/owner shall submit to HCD-Planning a copy of the approved Section 401 Water Quality Certification from the RWQCB.

Prior to initiation of any ground disturbance, applicant/owner shall submit to HCD-Planning a copy of the approved Section 1602 Lake and Streambed Alteration Agreement from CDFW.

## 7. PDSP003 – MITIGATION MONITORING PLAN FOR CONVERSION AGRICULTURE LAND (NON-STANDARD)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Caltrans shall mitigate impacts of the project on agriculture lands at a ratio of 1 acre for every 1 acre impacted by the Project consistent with Coastal Implementation Plan, Part 2, Section 20.144.120.B.6.d.2. Mitigation may include: restoring the viability of agricultural land in the North Monterey County coastal zone, especially those lands that have been converted to other uses in the past or permanent protection of the most significant agricultural lands threatened by conversion to non-agricultural use by deed restriction or other appropriate mechanism. Prior to commencement of construction, Caltrans shall submit an agricultural mitigation plan describing the mitigation proposed to satisfy these requirements. This mitigation shall be completed as described in the agricultural mitigation plan within 3 years of the start of construction of the project, and must remain in place in perpetuity.

Additionally, prior to commencement of construction, Caltrans shall submit an agricultural viability report that addresses the long-term viability of the remaining agricultural operations on the parcels impacted by the project. The report shall be submitted to the Chief of Planning and the Agricultural Commissioner for review and approval.

The HCD-Chief of Planning, in consultation with the Agricultural Commissioner, may extend the 3 year timeline without an amendment to the permit provided the extension would result in ability for Caltrans to acquire property or easements for mitigation and provided Caltrans can demonstrate to the satisfaction of the Chief of Planning and the Agricultural Commissioner that they have made good faith efforts to satisfy the mitigation requirements. The timeline shall not be extended beyond 5 years from the start of construction.

If Caltrans does not satisfy the mitigation requirements of this condition within 3 years of the start of construction of the project, or within 5 years of the start of construction if granted an extension by the Chief of Planning, Caltrans shall, in addition to satisfying the mitigation requirements of this condition, establish a non-wasting endowment, or similar in-lieu fee, of a value equivalent to the value of the acreage of impacted agricultural lands at the start of construction. All agricultural mitigation shall be satisfied within 6 years of the start of construction of the project.

If Caltrans conveys a property interest to a land trust or similar organization as part of satisfying the agricultural mitigation requirements of this permit, the organization shall be a tax-exempt nonprofit organization as defined in California Civil Code section 815.3. The deed shall specify that the covenant is required by the County of Monterey for compliance with the policies, standards and regulations contained in the Monterey County Local Coastal Program, as certified by the California Coastal Commission; is funded by local and state dollars; that the purpose of the covenant is to provide for the long-term protection, conservation, and/or enhancement of agricultural lands as set forth in Monterey County Coastal Implementation Plan, Part 2 section 20.144.120.6.d.2; and that the covenant shall remain in place in perpetuity. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of construction, the Applicant/Owner shall submit a proposed agricultural mitigation plan to HCD-Chief of Planning and to the Executive Director of the California Coastal Commission, for review and approval.

Prior to commencement of construction, the Applicant/Owner shall submit a proposed agriculture viability report to the HCD-Chief of Planning, for review and approval. The Plan shall identify the ongoing viability of commercial agricultural operations on the parcels impacted by the Project.

No later than 3 years after the start of construction, unless extended by the Chief of Planning and the Agricultural Commissioner, Caltrans shall provide evidence of the satisfaction of the required mitigation to the Chief of Planning and to the Executive Director of the California Coastal Commission.

#### 8. PDSP004 - IMPLEMENTATION OF MITIGATION MEASURES (NON-STANDARD)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Caltrans shall implement all mitigation measures identified as applying to the Highway 156/Castroville Boulevard interchange project.

Caltrans shall provide evidence to HCD-Planning that the mitigation measures adopted for the Project have been implemented. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** On an ongoing basis in accordance with the timing identified in the EIR/EA prepared for the Highway 156 West Corridor improvements, including the amendments contained in the Re-validation form prepared for the Project, Caltrans shall send verification that mitigation measures identified as applying to the Highway 156/Castroville Boulevard interchange project are being implemented in accordance with the Program.