

Attachment H

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When recorded return to:
MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: Paula Bradley MCP, AICP, Planner
168 W ALISAL ST, 2ND FLOOR
SALINAS CA 93901
(831) 755-5025

Space above for Recorder's Use

Property Owner's Name: **Saul V. and Maria D. Villanueva, Co Trustees, or their Successors in Trust under the Villanueva Family Trust Dated 05/28/1998, Amended and Restated on 02/21/2006**
Project Name: **Saul Victor and Maria de Jesus Villanueva**
Permit (File) No.: **PLN060043**
Resolution No.: **12-001**
Assessor's Parcel Number (s): **423-041-018-000**

DEED RESTRICTION

I. WHEREAS, on this 3rd day of June, 2012, **Saul V. and Maria D. Villanueva, Co Trustees, or their Successors in Trust under the Villanueva Family Trust Dated 05/28/1998, Amended and Restated on 02/21/2006**, hereinafter referred to as owner(s), are the record owner of the real property as set forth in Exhibit "A" attached hereto and hereby incorporated by reference, hereinafter referred to as "the subject property"; and

II. WHEREAS, Monterey County **Minor Subdivision Committee** is acting on behalf of the People of Monterey County; and

III. WHEREAS, the owner applied to the Monterey County for a **Minor Subdivision** for the development on the subject property described above; and

IV. WHEREAS, discretionary development Permit No. **PLN060043** was granted on **February 9, 2012** by the **Minor Subdivision Committee** in accordance with the provision of the Findings contained in Resolution No. **12-001** attached hereto as "Exhibit B", and hereby incorporated by reference; and

V. WHEREAS, the afore said Permit was subject to the terms and conditions including, but not limited, to the following condition(s) set forth in Exhibit "C", attached hereto, and hereby incorporated by reference.

VI. WHEREAS, it is intended that this Deed Restriction is irrevocable and shall constitute enforceable restrictions; and

VII. WHEREAS, Owner has elected to comply with the condition imposed by afore said permit so as to enable owner to undertake the development authorized by the permit.

NOW, THEREFORE, in consideration of the granting of discretionary development Permit No. **PLN060043** to the Owner by Monterey County, the owner hereby irrevocably covenants with Monterey County that there be and hereby is created the following restrictions on the use and enjoyment of said subject property, to be attached to and become a part of the deed to the property. The undersigned owner, for himself/herself and for his/her heirs, assigns, and successors in interest, covenants and agrees to those terms and conditions set forth in Exhibit "C", attached hereto, and hereby incorporated by reference.

If any provision of these restrictions is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the subject property described herein, and to that extent, said deed restriction is hereby deemed and agreed by owner to be a covenant running with the land, and shall bind owner and all his/her assigns or successors in interest.

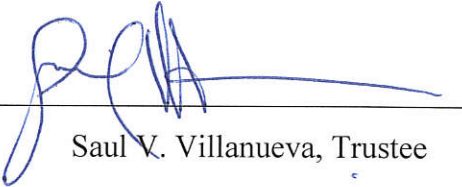
The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the

property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA – Planning Department)


The Property Owner(s) agrees to record this Deed Restriction in the Recorder's Office for the County of Monterey as soon as possible after the date of execution.

DATE: August 14, 2012, 20

Signed:


Saul V. Villanueva, Trustee

Signed:


Maria D. Villanueva, Trustee

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

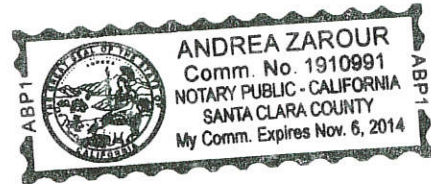
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On Aug. 14, 2012 before me, Andrea Zarour, a Notary Public, personally appeared Saul V. Villanueva, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Andrea Zarour



(Seal)

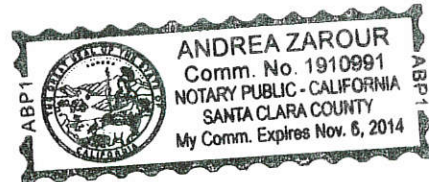
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On Aug. 14, 2012 before me, Andrea Zarour, a Notary Public, personally appeared Maria D. Villanueva, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Andrea Zarour



(Seal)

This is to certify that the Deed Restriction set forth above is hereby acknowledged by the Director of the Monterey County Resource Management Agency - Planning Department pursuant to the action of the Minor Subdivision Committee on February 9, 2012 and that Monterey County consents to its recordation thereof.

Dated: 9/4/12

Mike Novo
Mike Novo, Director
RMA - Planning Department

APPROVED AS TO FORM:
COUNTY COUNSEL

Cynthia L. Hasson
by Deputy County Counsel **Cynthia L. Hasson**

Mike Novo
Monterey County Resource Management Agency
Planning Department Staff

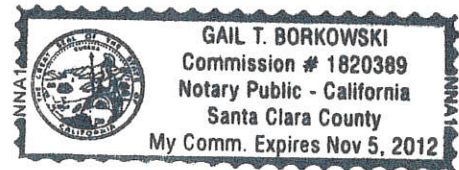
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On September 4, 2012 before me, Gail T. Borkowski, a Notary Public, personally appeared Michael (Mike) Novo, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Gail T. Borkowski



(Seal)

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS STIPULATED IN THE UNINCORPORATED AREA, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LANDS OF VILLANUEVA:

All of Parcel 1 and Parcel 3 as shown on that certain Map entitled, "PLN 060043 Parcel Map of Lands of Villanueva", filed _____ in the Office of the Monterey County Recorder in Volume _____ of Parcel Maps at Page _____, records of Monterey County, California.

Before the Minor Subdivision Committee in and for the
County of Monterey, State of California

In the matter of the application of:

Saul Victor Villanueva and Maria de Jesus Villanueva (PLN060043)

RESOLUTION NO. 12-001

Resolution by the Monterey County Minor
Subdivision Committee:

- 1) Adopting a Mitigated Negative Declaration, and
- 2) Approving a Minor Subdivision Tentative Map to allow the division of a 160 acre parcel into four 40-acre parcels and a small water system. Grading will be approximately 80 cubic yards (40 cubic yards cut and 40 cubic yards fill). The property is located at 50403 Martinez Road, Lockwood (Assessor's Parcel Number 423-041-018-000), South County Area Plan, and
- 3) Adopting a Mitigation Monitoring and Reporting Program.

[PLN060043, Saul Victor Villanueva and Maria de Jesus Villanueva, 50403 Martinez Road, Lockwood South County Area Plan (APN: 423-041-018-000)]

The Minor Subdivision application (PLN060043) came on for public hearing before the Monterey County Minor Subdivision Committee on February 9, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee finds and decides as follows:

FINDINGS

- 1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable Plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - South County Area Plan;
 - 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 on or before December 17, 2010 and, therefore, the 2010 Monterey County General Plan (adopted 10/26/2010) does apply to this subdivision.
 - b) The property is located at 50403 Martinez Road, Lockwood (Assessor's Parcel Number 423-041-018-000), South County Area Plan. The parcel is zoned RG/40. The proposed Minor Subdivision to subdivide a 160 acre parcel into four 40-acre parcels. No development is proposed as part of the project except for minor road improvements (grading). Therefore, the project is an allowed land use for this site.

- c) The project is consistent with the following 2010 Monterey County General Plan Policies:
- General Plan Policy OS-1.3 Ridgeline development is prohibited unless a finding can be made that the ridgeline development: 1) will not create a substantially adverse visual impact when viewed from a common public viewing area, and either the proposed development better meets the goals and policies than other development alternatives, or there is no feasible alternative. On proposed Lot 4 in the southeast corner, there is a knoll where the construction of structures could potentially result in ridgeline development, as viewed from Martinez Road. Although no adverse aesthetic or impacts will result from the project, a Conservation and Scenic Easement is required to be recorded to restrict development within the area of the easement to ensure that there will be no impacts to visual resources from future ridgeline development, to ensure consistency with the policy.
- General Plan Policy OS-1.5 New subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development and that private views may be taken into consideration. No development is proposed as part of the subdivision therefore there are no potentially direct adverse effects to aesthetic resources including a scenic vista or the visual character of the site and surroundings. To ensure that future development on this parcel does not have a potentially adverse visual effect, a Conservation and Scenic Easement will be required as a condition of approval for the area of the knoll where development could result in ridgeline development. Although no adverse aesthetic or visual impacts will result from the project, a Conservation and Scenic Easement is required to be recorded as a condition of approval to restrict development within the easement to ensure that there will be no impacts to visual resources from future ridgeline development (see Finding 5).
- General Plan Policy OS-5.3 Development shall be carefully planned to provide for the conservation and maintenance of critical habitat.
- General Plan Policy OS- 5.16 A biological study shall be required for any development project requiring a discretionary permit and a biological report was required for the project. Several biological assessments and surveys were completed for the project in 2006 and 2011. An on-site consultation was also conducted with the Department of Fish and Game (see Mitigated Negative Declaration, Attachment A, letter dated August 15, 2011). It was determined the Section 1600 agreement is not necessary for the proposed minimal minor widening of driveways within the drainage area, but could be required for more extensive changes to the topography, grading or for the installation of culverts in the drainage areas and blue lines shown on the United States Geological Survey (USGS) base map. Although no potentially significant impacts will result from the Minor Subdivision, to ensure there are no impacts to plant and animal species, conditions of approval require preconstruction surveys for plants and animals including the Straight-awned spineflower, San Joaquin kit fox, Monterey dusky-footed wood rat, American Badger, and Burrowing owl for any future development including roads, septic envelopes, water lines or any soil

disturbance.

General Plan Policy OS 6.3 An archaeological report is required in areas designated "moderate" and "high" archaeological sensitivity if an Initial Study is required. The site is designated "High" Archaeological Sensitivity and a "Preliminary Archaeological Reconnaissance" was completed for the site. A standard condition of approval is required to stop work if archaeological resources are found during future construction. Additionally, a condition requires a note be placed on the Parcel Map and a Deed Notice be recorded on the proposed parcels, requiring a preconstruction archaeological reconnaissance to be completed to ensure that prehistoric and historic cultural resources that may exist in the project area are protected (see Finding 5).

General Plan Policy PS 12.10 Historic landscapes, consisting of resource features important to the setting of a designated historic site shall be protected. The property contains an historic ranch complex consisting of a wood-framed farmhouse, a smaller adobe house, two large barns, a water tower, and several other sheds and storage buildings on proposed Lot 1, and the Valdez family cemetery is located on proposed Lot 3. A Phase I Historical Assessment was completed for the project and concluded that the structures that make up the ranch complex and the associated cemetery, are significant and that they are eligible for listing in the California Register and the County Register of Historic Resources. The ranch complex as well as the family cemetery have been added to the California Historical Resources Inventory and a site record has been filed, but they are not yet listed on the national or state register. To ensure there will be no impacts to historic resources by future development and to make the project consistent with this policy, conditions of approval require historic resources to be included within a Conservation and Scenic easement; in addition, a note on the Parcel Map and a Deed Notice will be required to be recorded on Lots 1 and 3 (see Finding 5).

General Plan Policy PS-12.4 Properties and buildings on the National Register of Historic Places and/or the California Register of Historical Resources shall be designated with a Historic Resource ("HR") overlay on the zoning map. In accordance with Monterey County Ordinance 18.25, it is up to the property owner to voluntarily pursue listing the historic resource on the State and County registers. As part of the project approval, it will be recommended that the owner pursue designation and rezoning as of the ranch complex and the associated cemetery as a historic district.

General Plan Policy PS-3.1 Proof of long term sustainable water supply for new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof of, based on specific findings and supported by specific findings and evidence, that there is a long-term sustainable water supply, both in quality and quantity to serve the development. The project site is located in the Lockwood Valley Groundwater Basin and not in Zone 2C. A hydrogeological report completed for a nearby subdivision (Tierra Prometida/Kennedy File No. PLN050404/PLN060014) concluded that there is an adequate long term sustainable water supply in the Lockwood

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Groundwater Basin for a similar project. Applying a water demand of 2.2 acre feet per year (afy) per forty acre lot (consistent with demand estimates for rural residential properties of 10 acres or greater from the North Monterey County Hydrogeologic Study (Fugro West, Inc., 1995)) plus an additional 0.5 afy for a second unit, the total water demand for the project without subtracting ground water recharge, would approximately 8.8 afy. The zoning allows up to three residences on each lot. While information for assessing the water budget for the Lockwood Valley Groundwater basin (e.g., basin wide estimates of groundwater recharge, water use and long-term water level data) is not available (California Department of Water Resources Bulletin 118, update 2003), a total estimated demand of 8.8 afy for the four lots with the proposed project would be considered a minor decrease of the groundwater storage within the basin. This water demand estimate for the proposed project, would be negligible (approximately 0.0009 percent) of the estimated 1,000,000 acre feet of groundwater in storage within the basin. For the Tierra Prometida/Kennedy project, the hydrogeological report concluded that the quality and quantity of water supplied by wells with a similar water demand, the project represented an assured "long term water supply", as defined in Monterey County Code, Title 19). The Environmental Health Bureau has determined that the finding required under this policy of the General Plan can be made using the analysis and information contained in the Prometida/Kennedy project.

General Plan Policy PS-3.9 Minor subdivisions shall not be approved until the applicant provides evidence of a long term sustainable water supply in terms of yield and quantity and quality for all lots that are to be created through subdivision. The proposed project would not result in significant impacts to groundwater supplies or recharge or lowering the production rate of pre-existing nearby wells. There are two existing wells on the site that meet the water quality and quantity requirements in accordance with Title 15 of the Monterey County Code (see above Policy PS-3.1 and Finding 5).

General Plan Policy C-1.11 A Regional Traffic Impact Fee (RDIF) fee to ensure funding for regional transportation improvements to the regional roadway for cumulative trips is required as a mitigation measure. Additional vehicle trips from the project would not substantially lower the level of service along Martinez Road and nearby roadway facilities. However, the project would add incrementally to the cumulative traffic volume on the surrounding County and regional roads (also see Finding 5).

- d) The project site has a potential area on Lot 4 that could result in ridgeline development, and archaeological and historic resources. There is no development proposed as part of the project and conditions of approval will ensure there will be no potential impacts to these resources from future development. Conditions of approval require a Conservation and Scenic Easement to ensure no impacts to these resources and additionally a note on the Parcel Map and a Deed Notice will be required to be recorded on Lots 1 and 3 to protect archaeological and historical resources. Although no impacts will result from the minor subdivision, preconstruction surveys for plants and animals will

be required for any future development including roads, septic envelopes, water lines or any soil disturbance, as conditions of approval to ensure there are no impacts to plant and animal species from future development (see Finding 5).

- e) The project Planner conducted a site inspection on October 8, 2009 and August 3, 2011 to verify that the project on the subject parcel conforms to the Plans listed above.
- f) The project was not referred to the South County Land Use Advisory Committee (LUAC) for review. 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 the project required environmental review. However at the time the project was applied for and proceeded through the Interdepartmental Review in 2006 there was no South County LUAC.
- g) The project was referred to the Historical Resource Review Board (HRRB) on January 5th 2012. It was recommended unanimously that a deed restriction or other method provide notification that the cemetery exists on Lot 3, to ensure that it is protected.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060043.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: South County Fire Protection District/CDF, Parks, RMA - Public Works, Environmental Health Bureau, Water Resources Agency, and the Housing Office. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Archaeological and Historical Resources, Biological Resources, Hydrology/Water Quality, and Transportation/Traffic discussed in Consistency Finding 1 and CEQA Finding 5. The project is consistent with County Plans and Policies, and ordinances. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - 1. A "Preliminary Archaeological Reconnaissance of Assessor's Parcel 423-041-018-000, Lockwood, Monterey County, California" (LIB110150), was prepared by Archaeological Consulting, dated May 19, 2006.
 - 2. A "Historic Structures Assessment of the Valdez Ranch, 50403 Martinez Road, Lockwood, CA APN 423-041-018-000" (LIB110151) prepared by CRMS (Cultural Resource Management Services), dated May 22, 2011.

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3. A "Geotechnical and Percolation Investigation Report" (LIB110152), was prepared by Soil Surveys, dated August 16, 2006.
 4. A "Biological Assessment" (LIB110243), was prepared by Ed Mercurio, Biological Consultant, dated July 10, 2011.
 5. A "Biological Assessment", was prepared by Ed Mercurio, Biological Consultant, dated May 16, 2011.
 6. A "Biological Assessment", was prepared by Ed Mercurio, Biological Consultant, dated October 18, 2006.
- c) Staff conducted a site inspection on October 8, 2009 and August 3, 2011 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060043.

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

- EVIDENCE:**
- a) The project was reviewed by South County Fire Protection District/CDF, Parks, RMA - Public Works, Environmental Health Bureau, Water Resources Agency, and the Housing Office. The respective departments/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 facilities are available and serve the site including water, wastewater and utilities. A condition of approval requires approval of a small water system for the provision of water to the proposed lots. A portion of Lot 1 and 2 are in the 100-year flood plain as determined by the FEMA Flood Insurance Rate Map. The Water Resources Agency reviewed the project and requires as a standard condition of approval to record a floodplain notice subject to building and land use restrictions. All utilities and services are available on the site, with required development fees for services, schools and parks.
 - c) Preceding findings and supporting evidence for PLN060043.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted site inspections on October 8, 2009 and August 3, 2011

and researched County records to assess if any violation exists on the subject property.

- c) There are no known violations on the subject parcel.
- d) The application, Plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060043.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Minor Subdivision Committee, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN060043).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration and the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA- Planning Department and is hereby incorporated by reference (PLN060043).
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
 - e) The Draft Mitigated Negative Declaration ("MND") for PLN060043 was prepared in accordance with CEQA and circulated for public review from January 9, 2012 through February 8, 2012.
 - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, biological resources, cultural resources, hydrology/water quality, and transportation/traffic. One mitigation measure is required for cumulative traffic impacts to reduce potentially significant impacts to less than significant.
 - g) Aesthetics/Visual Resources
On Lot 4 to the east there is a knoll where future development could potentially result in a ridgeline development as viewed from Martinez Road. County policies and regulations protect scenic resources

including ridgeline development. A Conservation and Scenic Easement is required to be recorded as a condition of approval to restrict development within the easement to ensure that there will be no ridgeline development or impacts to visual resources from future ridgeline development.

Historic Resources

The project area includes a ranch complex consisting of a wood-framed farmhouse, a smaller adobe house, two large barns, a water tower, and several other sheds and storage buildings. A Phase I Historical Assessment prepared by Cultural Resource Management Services (CRMS) concluded that the ranch complex and the associated cemetery are significant and are eligible for listing in the California Register and the County Register of Historic Resources according to eligibility criteria of the respective Registers and CEQA Guidelines Section 15064.5(a)(3). The ranch complex as well as the family cemetery have been added to the California Historical Resources Inventory and a site record has been filed, but they are not yet listed on either register. No development or other activity is proposed as part of the subdivision that could cause a substantial adverse change in the significance of an historical resource under CEQA. However, to ensure that the identified historic cultural resources in the project area are protected, a condition of approval requires placing a note on the Parcel Map and that a Deed Notice be recorded on Lots 1 and 3. Additionally, that the historic resources be included within a Conservation and Scenic Easement restricting development within the easement. The Deed Notice would include that a Phase 2 historic assessment would be required for any physical alterations to the structures or landscape, to assess the project's consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties and to address any potential impacts to the historic resource. Future development on Lots 1 and 3 that impact the historic resources could be subject to CEQA.

Archaeological Resources

An archaeological reconnaissance report concluded that the project parcel contains surface evidence of potentially significant prehistoric archaeological resources but the proposed minor subdivision should not be delayed for archaeological reasons. A standard condition of approval requires to stop work if archaeological resources are found during the proposed road grading. Although there will be no significant impacts as a result of the project, a Conservation and Scenic Easement is also required to be recorded to restrict development within the easement to further ensure that there will be no impacts to archaeological resources from future development. Additionally a condition of approval will also require a note placed on the Parcel Map and a Deed Notice be recorded on the parcels, requiring that future development perform a preconstruction archaeological reconnaissance.

Biological Resources

Vegetation on the 160 acre parcel is a mix of chaparral, grassy pasture and densely vegetated bottom land. It is a dry semi-arid environment

without creeks, streams ponds or any other water bodies on the site or nearby. Large oaks and some pines are located in and around the ranch complex and on the slopes along the seasonal drainages on Lots 3 and 4. There are no wetland habitats associated with lakes, ponds, swamps and marshes, vernal pools, and streamside or riparian areas on the site. The entire parcel is within the San Joaquin kit fox distribution area. One sensitive plant species was found on the property, the Straight-awned spineflower. Although no impacts will result from the minor subdivision, a condition of approval requires preconstruction surveys for plants and animals including the San Joaquin kit fox and Monterey dusky-footed wood rat, American Badger, and Burrowing owl for any future development including roads, septic envelopes, water lines or any soil disturbance, to ensure there are no impacts to plant and animal species from future development.

Hydrology and Water Quality

The proposed project will not affect water quality, quantity or hydrological standards or drainage patterns. Existing and future residences on the project site area will be supplied with water by the existing private wells or by a small local water system and a private wastewater system on each parcel. The project is located in the Lockwood Valley Groundwater Basin and there is an adequate long term sustainable water supply in the Lockwood Groundwater Basin. A hydrogeological report completed for a nearby subdivision (Tierra Prometida/Kennedy File No. PLN050404/PLN060014) concluded that there is an adequate long term sustainable water supply in the Lockwood Groundwater Basin for a similar project. Applying a water demand of 2.2 acre feet per year (afy) per forty acre lot (consistent with demand estimates for rural residential properties of 10 acres or greater from the North Monterey County Hydrogeologic Study (Fugro West, Inc., 1995)) plus an additional 0.5 afy for a second unit, the total water demand for the project without subtracting ground water recharge, would approximately 8.8 afy. The zoning allows up to three residences on each lot. While information for assessing the water budget for the Lockwood Valley Groundwater basin (e.g., basin wide estimates of groundwater recharge, water use and long-term water level data) is not available (California Department of Water Resources Bulletin 118, update 2003), a total estimated demand of 8.8 afy for the four lots with the proposed project would be considered a minor decrease of the groundwater storage within the basin. This water demand estimate for the proposed project, would be negligible (approximately 0.0009 percent) of the estimated 1,000,000 acre feet of groundwater in storage within the basin. For the Tierra Prometida/Kennedy project, the hydrogeological report concluded that the quality and quantity of water supplied by wells with a similar water demand, the project represented an assured "long term water supply", as defined in Monterey County Code, Section 15.04 and Title 19. The Environmental Health Bureau has determined that the finding required under this policy of the General Plan can be made using the analysis and information contained in the Prometida/Kennedy project.

A condition of approval requires a local small water system permitted by the Monterey County Environmental Health Bureau in accordance with Chapter 15.04 of the County Code. Future private wastewater systems on the lots will be required to obtain a permit from the Environmental Health Bureau, in accordance with Title 15.20. A standard condition of approval for subdivisions includes that a notice shall be recorded on the deed for each lot requiring water conservation, in accordance with County Water Resources Agency Ordinance No. 3932.

Transportation and Traffic

No development is proposed as part of the subdivision and new driveway access roads would be unpaved, with only minor grading and widening for fire requirements. Access to Lot 1 would be via the existing ranch road and Lots 2 and 3 would be accessed from the driveway on Lot 1, Lot 4 would be accessed via a new driveway access off Martinez Road. An additional two dwellings per lot could be developed as accessory to agricultural use on the property. A total of 11 new dwellings in addition to the existing dwelling on Lot 1 could potentially be developed as a result of the subdivision. County Roadways in the area are currently operating at acceptable levels of service and additional vehicle trips from the project would not be expected to substantially lower the level of service ranges along Martinez Road and nearby roadway facilities. Additional vehicle trips from the project would not substantially lower the level of service along Martinez Road and nearby roadway facilities. However, the project would add incrementally to the cumulative traffic volume on the surrounding County and regional roads. Cumulative impacts to the regional traffic network would be mitigated to a less than significant impact through payment of Transportation Agency for Monterey County (TAMC) Regional Development Impact Fee. A mitigation measure requires that the applicant to pay the Regional Traffic Impact Fee (RDIF) fee to ensure funding for regional transportation improvements to the regional roadway for cumulative trips.

- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA- Planning Department (PLN060043) and are hereby incorporated herein by reference.
- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. One sensitive plant species was found on the property, the Straight-awned spineflower. Although the minor subdivision will not result in biological impacts, preconstruction

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surveys for plants and animals including the San Joaquin kit fox, Monterey dusky-footed wood rat, American Badger, and Burrowing owl are required as a condition of approval. For purposes of the Fish and Game Code, the project could affect fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- j) No comments from the public were received.
- k) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigation Negative Declaration is based.

6. **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.

- EVIDENCE:**
- a) **Consistency.** The project as designed and conditioned is consistent with the 2010 Monterey County General Plan, South County Area Plan (see Finding 1).
 - b) **Design.** The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. The proposed lots are 40 acres. Two lots front on Martinez Road and there is existing driveway access to a complex of ranch structures and the cemetery. A new unpaved driveway access will be created extending from the existing access road to access Lots 2 and 3 from proposed Lot 1 and a new access driveway off Martinez Road will be built to provide access to Lot 4.
 - c) **Site Suitability.** Proposed is a Minor Subdivision to allow the division of a 160 acre parcel into four 40-acre lots which is the minimum parcel size allowed by the zoning. No development is proposed as part of the project (see Finding 2). The site is suitable for the proposed project including the type and density of the development envisioned by the

General Plan. The parcel is zoned RG/40, which allows single family dwellings accessory to the agricultural use of the property.

- d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat. No impacts will result from the minor subdivision. Preconstruction surveys for plants and animals will be required for any future development including roads, septic envelopes, water lines or any soil disturbance, as conditions of approval to ensure there are no impacts to plant and animal species from future development (see Finding 5/CEQA).
- 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 Findings 3 and 5).
- f) Water Supply. Monterey County Code (MCC) Section 19.10.070 requires that 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. MCC Sections 19.03.015.L and 19.07.020.K require the Water Supply and Nitrate Loading Information questionnaire in order to assess these conditions and proof that there is a long term water supply with the project. A Water Supply and Nitrate Loading Information form was provided for the project. Existing and future residences on the project site area will be supplied with water by private wells or by a small local water system and a private wastewater system on each parcel. A condition of approval requires either a private well or a local small water system permitted by the Monterey County Environmental Health Bureau in accordance with Chapter 15.04 of the County Code. The small water system requires annual testing for water quality as a standard requirement (see Findings 1 and 8).
- g) Sewage Disposal MCC Sections 19.03.015.K and 19.07.020.J require sewage provided by a public or private entity. Existing and future residences on the project site area will be served by a private wastewater system on each lot and will be required to obtain a permit from the Environmental Health Bureau, in accordance with Title 15.20 (see Finding 1 and 5).
- h) Easements. The subdivision or the type of improvements will not conflict with easements. Access easements will be required as a condition of approval to all lots. There is an existing private access easement to the Valdez cemetery from Martinez Road recorded on the deed. This easement would not be affected by the proposed subdivision.
- i) Traffic. Lots 1 and 4 front on Martinez road and there is existing driveway access to a complex of ranch structures and the cemetery. A new unpaved driveway access will be created to access Lots 2 and 3 from proposed Lot 1 and a future access driveway to Lot 4. A mitigation measure requires the applicant to pay the Transportation Agency of Monterey County's (TAMC) Regional Development Impact Fee to address cumulative traffic impacts to the regional roadway system (see Findings 1 and 5).
- j) Affordable Housing. This project will result in three new lots/units that

are not exempt (the existing residence is exempt). A condition of approval requires payment of an in-lieu fee shall be based on the adopted Inclusionary Housing in-Lieu Fee Schedule in effect at the time that the project application was deemed complete by the County, in compliance with Inclusionary Housing Ordinance #04185 (MCC Chapter 18.40) (see Finding 7).

- k) Parks and Recreation. A condition of approval requires payment of recreation in-lieu fee as determined by the Parks Department in compliance with Section 19.12.010 of Title 19/Quimby Act (see Findings 1 and 5).
- l) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060043.
- m) The project Planner conducted site inspections on October 8, 2009 and August 3, 2011.

7. **FINDING:** **INCLUSIONARY HOUSING REQUIREMENT** – Subdivisions in Monterey County are subject to review by the Resource Management Agency – Housing and Redevelopment Office for conformance to the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code.

- EVIDENCE:**
- a) Inclusionary Housing Ordinance #04185. Chapter 18.40 of the County Code requires that all new development consisting of three or more lots or new unit contribute to the Inclusionary Housing Program in the amount of 20% of the total number of new lots/new unit being created. This project will result in three new lots/units that are not exempt (the existing residence is exempt). The in-lieu fee based on the adopted Inclusionary Housing in-Lieu Fee Schedule in effect at the time that the project application was deemed complete by the County. The fee for one inclusionary unit in the South County Planning Area is \$22,950 (2000 fee schedule, 3 lots x .20 = 0.6, \$22,950x 0.6 = \$13, 770). A condition of approval requires payment of the fee prior to recordation of the Parcel Map.
 - b) Memorandum from the County’s Redevelopment and Housing and Office, dated May 5, 2011.
 - c) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060043.

8. **FINDING:** **WATER SUPPLY** – The project has an adequate long-term water supply and manages development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

- EVIDENCE:**
- a) The proposed project will not affect water quality or quantity. Existing and future residences on the project site area will be supplied with water by the private wells or by a small water system using the two existing wells. Two existing wells on the site that meet the water quality and quantity requirements in accordance with Title 15 of the Monterey County Code. A condition of approval requires the local small water system be permitted by the Monterey County Environmental Health

Bureau in accordance with Chapter 15.04 of the County Code. A small local water system requires annual testing for water quality as a standard requirement. A standard condition of approval for subdivisions includes that a notice shall be recorded on the deed for each lot requiring water conservation, in accordance with County Water Resources Agency Ordinance No. 3932 (see Findings 1 and 5).

- b) A hydrogeological report completed for a nearby subdivision (Tierra Prometida/Kennedy File No. PLN050404/PLN060014) concluded that there is an adequate long term sustainable water supply in the Lockwood Groundwater Basin for a similar project. If a water demand of 2.2 acre feet per year (afy) per forty acre lot was applied (consistent with demand estimates for rural residential properties of 10 acres or greater from the North Monterey County Hydrogeologic Study (Fugro West, Inc., 1995) plus an additional 0.5 afy for a second unit, the total without subtracting an estimate for ground water recharge, would approximately 8.8 afy. The zoning allows up to three residences on each parcel. While information for assessing the water budget for the Lockwood Valley Groundwater basin (e.g., basin wide estimates of groundwater recharge, water use and long-term water level data) is not available (California Department of Water Resources Bulletin 118, update 2003), a total estimated demand of 8.8 afy for the four lots with the proposed project would be a minor decrease of the groundwater storage within the basin. This water demand estimate for the proposed project, would be negligible (approximately 0.0009 percent) of the estimated 1,000,000 acre feet of groundwater in storage within the basin. For the nearby project, the hydrogeological report concluded that the quality and quantity of water supplied by wells with a similar water demand, the project represented an assured "long term water supply", as defined in Monterey County Code, Title 19.
- c) The project is located in the Lockwood Valley Groundwater Basin and there is an adequate long term sustainable water supply in the Lockwood Groundwater Basin.
- d) The water agency jurisdiction is Monterey County Water Resources Agency.
- e) The proposed project would not result in significant impacts to groundwater supplies or recharge or lowering the production rate of pre-existing nearby wells. There are two existing wells on the site that meet the water quality and quantity requirements in accordance with Title 15 of the Monterey County Code. General Plan Policy PS 3.1 and PS 3.9 require proof of long term sustainable water supply for new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof of, based on specific findings and supported by specific findings and evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. Minor subdivisions shall not be approved until the applicant provides evidence of a long term sustainable water supply in terms of yield and quantity and quality for all lots that are to be created through subdivision. The proposed project would not result in significant impacts to groundwater supplies or recharge or lowering the production rate of pre-existing nearby wells. There are two existing wells on the site that meet the water quality and

quantity requirements in accordance with Title 15 of the Monterey County Code (see Findings 1 and 5).

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 19.16.020.B of Title 19, Monterey County Subdivision Ordinance.

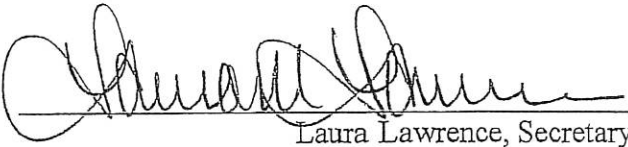
DECISION

NOW, THEREFORE, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

1. Adopt a Mitigated Negative Declaration; and
2. Approve the Minor Subdivision in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference;
3. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 9th day of February, 2012 upon motion of Laura Lawrence, seconded by Janna Faulk, by the following vote:

AYES: Moss, Lawrence, Faulk, Alinio
NOES: None
ABSENT: McPharlin, Vandevere
ABSTAIN: None



Laura Lawrence, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON FEB 27 2012

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAR 08 2012

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

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Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires **two (2) years** after the above date of granting thereof and as provided by the Subdivision Map Act (Government Code 66410).

Form Rev. 11-10-2011

Monterey County Planning Department
Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN060043

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Minor Subdivision Tentative Map (PLN060043) allows the division of a 160 acre parcel into four 40-acre parcels and a small water system. Grading will be approximately 80 cubic yards (40 cubic yards cut and 40 cubic yards fill). The property is located at 50403 Martinez Road, Lockwood (Assessor's Parcel Number 423-041-018-000), South County 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 the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a notice which states: "A permit (Resolution 12-001) was approved by the Minor Subdivision Committee for Assessor's Parcel Number 423-041-018-000 on February 9, 2012. The permit was granted subject to 39 conditions of approval, including 1 mitigation measure, that run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

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

Responsible Department: Planning Department

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 remains 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 the RMA - Planning Department within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoans/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 Department)

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 to the Director of the RMA-Planning Department 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 Parcel Map.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

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

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

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

Responsible Department: Planning Department

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

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 the RMA - Planning Department.

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 the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan 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 mitigation monitoring agreement.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the recordation of the parcel map, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.

7. PD007- GRADING WINTER RESTRICTION

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.
This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the Parcel Map with the notes to the RMA-Planning Department and Public Works for review and approval.

8. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the Parcel Map with the notes to the RMA-Planning Department and Public Works for review and approval.

9. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the Parcel Map with the notes to the RMA-Planning Department and Public Works for review and approval.

10. PDSP010 - NOTE ON MAP AND NOTICES OF REPORT - STUDIES (NON-STANDARD CONDITION)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a note on the Parcel Map and a notice shall be recorded with the Monterey County Recorder which states that the following reports have been prepared:

1. A "Preliminary Archaeological Reconnaissance of Assessor's Parcel 423-041-018-000, Lockwood, Monterey County, California" (LIB110150), was prepared by Archaeological Consulting, dated May 19, 2006.
2. An "Historic Structures Assessment of the Valdez Ranch, 50403 Martinez Road, Lockwood, CA APN 423-041-018-000" (LIB110151) prepared by CRMS (Cultural Resource Management Services), dated May 22, 2011.
3. A "Geotechnical and Percolation Investigation Report" (LIB110152), was prepared by Soil Surveys, dated August 16, 2006.
4. A "Biological Assessment" (LIB110243), was prepared by Ed Mercurio, Biological Consultant, dated July 10, 2011.
5. A "Biological Assessment", was prepared by Ed Mercurio, Biological Consultant, dated May 16, 2011.
6. A "Biological Assessment", was prepared by Ed Mercurio, Biological Consultant, dated October 18, 2006. "

and are on file in the Monterey County RMA - Planning Department and that all development shall be in accordance with this report.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Record the notice prior to recording the Parcel Map and submit evidence of the recordation the the RMA- Planning Department.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the Parcel Map with the notes to the RMA-Planning Department and Public Works for review and approval.

Prior to occupancy, the Owner/Applicant shall submit proof to the RMA-Planning Department, for review and approval, that all development has been implemented in accordance with the report.

11. PD023 - EASEMENT-SCENIC (SLOPE)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds the 25%. The easement shall be developed in consultation with a certified professional. A scenic easement deed shall be submitted to, and approved by, the Director of the RMA - Planning Department prior to issuance of grading or building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the parcel map, the Owner/Applicant/Certified Professional shall submit the scenic easement deed and corresponding map, developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.

Prior to recordation of the parcel map, the Owner/Applicant shall submit the deed and map showing the approved scenic easement to the RMA-Planning Department for review and Board of Supervisors approval. Submit a copy of the recorded deed and map to the RMA-Planning Department.

12. PDSP001 - DEED NOTICES

Responsible Department: Planning Department

Condition/Mitigation NON-STANDARD CONDITION

Monitoring Measure: The following Deed Notices shall be recorded on each new parcel stating as follows:

1. San Joaquin kit fox: In order to determine the presence of San Joaquin kit fox on the project site, a pre-construction protocol level biological survey for San Joaquin kit fox shall be conducted by a County-approved qualified biologist on each parcel, no more than one week prior to the commencement of any ground disturbing activity or issuance of any permit. If San Joaquin kit fox or its habitat is determined to be present onsite by the pre-construction survey, construction activities shall not commence until California Department of Fish and Game is consulted and appropriate measures are established to avoid impacts to San Joaquin kit fox. If the pre-construction survey determines that the project will not have an adverse affect on San Joaquin kit fox, construction activities may occur. Site preparation (grading or site disturbance) shall take place during late summer through fall to best avoid impacts to breeding and/or young wildlife.

2. Special Status or Listed Plants: In order to adequately determine the presence of special status plants within the area of any soil disturbance, the applicant shall conduct a seasonally-timed biological survey of annual plants, and other special status species, as described in the biologists report dated July 10, 2011, to be prepared by a County-approved biological consultant prior to the recordation of the parcel map. A spring survey of annual plant species, preferably during mid April to mid May is required on the new parcels. If no plants are found, the project may proceed without any further assessment. If special status plants species are identified then alternative building sites shall be identified and implemented in coordination with a County-approved biological consultant. Alternative building sites could include other areas within the property that are disturbed and do not contain special status species. No development shall occur within 100-feet of any sensitive habitat or sensitive plant species. Compliance Action: No more than 30-days prior to start of any grading or construction and prior to the issuance of a grading or building permit, conduct a pre-construction biological survey for presence of special status plants and animals. Prior to any grading and construction and issuance of any grading and building permits, a seasonally-timed survey shall be submitted to the Director of Planning for review and approval. Attach a letter from a qualified biologist which states that the survey follows the recommendations made in the Biological Survey prepared for the site. If special status species are identified within the proposed building area, then the applicant shall submit plans for an alternative building site to the RMA - Planning Director for review and approval. Accompanying the plans shall be a letter from a qualified biologist which certifies that the alternative area will not impact special status species."
(RMA- Planning Department)

Compliance or Monitoring Action to be Performed: No more than 30-days prior to start of any grading or construction and the issuance of a grading or building permit, conduct a seasonally timed biological survey for presence of special status plants and animals and submit it to the Director of Planning for review and approval. Attach a letter from a qualified biologist which states that the survey follows the recommendations made in the Biological Survey prepared for the site. If special status species are identified within the proposed building area, the applicant shall submit plans for an alternative building site to the RMA - Planning Director for review and approval. Accompanying the plans shall be a letter from a qualified biologist that certifies that the alternative area will not impact special status species.

The Deed Notice shall be recorded on each new parcel concurrently with recording the parcel map. The Deed Notice shall be submitted to the RMA - Planning Department for review and approval.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA- Planning Department and Public Works for review and approval.

13. PDSP002 - DEED NOTICES

Responsible Department: Planning Department

Condition/Mitigation: NON-STANDARD CONDITION

Monitoring Measure: The following Deed Notice shall be recorded on each new parcel stating the following:

3. American Badger, Monterey dusky-footed wood rat and Burrowing owl: In order to determine the presence of these species a pre-construction ocular biological survey shall be conducted by a County approved biologist within the proposed building envelopes and area of any soil disturbance, no more than ten days prior to the commencement of construction. If a Monterey dusky-footed wood rat nest is found to be present within an area that could potentially be affected by development, construction activities shall not commence until the nesting season has concluded, and appropriate measures are established to avoid impacts to nesting. If the pre-construction survey determines that the project will not have an adverse affect on the Dusky-footed wood rat, construction activities may occur. Site preparation (grading or site disturbance) shall take place during late summer through fall to best avoid impacts to breeding and/or young wildlife.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: No more than ten days prior to start of any grading or construction and prior to the issuance of a grading or building permit, conduct a pre-construction visual biological survey for presence of American Badger, Monterey dusky-footed wood rat and Burrowing owl within an area that could potentially be affected by development of the disturbance, and attach a letter from a qualified biologist that states that the survey follows the recommendations made in the Biological Survey prepared for the site by a qualified biologist. Submit the survey and letter to the RMA - Planning Director for review and approval.

The Deed Notice shall be recorded on each new parcel concurrently with recording the parcel map. The Deed Notice shall be submitted to the RMA - Planning Department for review and approval.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA-Planning Department and Public Works for review and approval.

14. PDSP003 - DEED NOTICE

Responsible Department: Planning Department

Condition/Mitigation: NON-STANDARD CONDITION

Monitoring Measure: The following notice shall be recorded on the deed stating as follows:

Best Management Practice as recommended by the biologist shall be incorporated as a condition of approval to protect the natural habitat values present on the site, implemented as a note placed on the Parcel Map and a Deed Notice recorded on the deed of each new parcel stating as follows:

1. Native wildlife should be protected. Maintenance of healthy predator populations is the best way to insure that prey species such as mice, rats and other rodents do not increase their numbers to the point where they become pests. In all cases, protection of garden plants from animal damage from should be accomplished without poisons. This is especially important in this area, since it is possible San Joaquin kit fox habitat and there is evidence for the presence of Monterey dusky footed wood rats. Protection from mammalian pests, if necessary, should be accomplished through barriers, by frightening them (odors, etc.) or by trapping rather than by poisoning. Protection from avian pests, if necessary, should be accomplished through barriers or by frightening them away.
2. Chemical herbicides and chemical pesticides should only be used on the property when all other options for control have been exhausted. If used, care should be taken to keep them confined to the immediate areas of use. In all cases, if it becomes necessary to use chemicals, they should be types that quickly break down into harmless compounds. Pesticide use, if necessary, should be part of an integrated pest management program in which all other natural means of control are also used and pesticide use is infrequent and timed to coincide with periods of maximum pest vulnerability.
3. Blue oaks and native shrubs on the property should be protected from damage. Care should be taken to insure that they do not receive more water than natural conditions provide. Care should be taken to insure that compaction of soil from such activities as vehicle use or changes in soil levels do not occur under driplines of trees and shrubs and that drainage slopes away from trunks. Less than one third of branches shall be removed from any native tree or shrub that may need to be trimmed. Less than one third of area under the dripline of any native tree or shrub should be paved. There should be no pavement closer than four feet from the trunks of trees unless permeable pavement is used in these areas and surface roots are deep enough to allow paving without their extensive removal.
4. Clearing of natural vegetation on the property should only be done in order to be in compliance with fire laws. Sensitive plant species can remain in fire clearance zones as long as their fuel load is properly reduced. As much natural vegetation as possible should be allowed to remain on the property.
5. Landscaping should emphasize native plants or drought tolerant plants with similar requirements to our native vegetation. Many suitable plants for drought-tolerant landscaping in our local area are listed on pamphlets and websites available from the Monterey County Resource Management Agency, the Monterey Peninsula Water Management District and other agencies." (RMA - Planning Department)
BMP's continued in following condition:

Compliance or Monitoring Action to be Performed: Prior to the recordation of the parcel map, include a note on the parcel map and submit a Deed Notice prepared by the County, to the Resource Management Agency - Planning Department for review and approval.

The Deed Notices shall be recorded on each new parcel concurrently with recording the Parcel Map. The recorded map with notes shall be submitted to the RMA - Planning Department for review and approval.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA- Planning Department and Public Works for review and approval.

15. PDSP004 - DEED NOTICE

Responsible Department: Planning Department

Condition/Mitigation NON-STANDARD CONDITION

Monitoring Measure: Continued from previous condition:

The following Notice shall be recorded on the deed and state as follows:

"6. No invasive species of plants should be planted on the property. Invasive plants include such species such as pampas grass (*Cortaderia jubata*), French broom (*Genista monspessulana*) and related plants, Hottentot fig, Sea fig or ice plant (*Carpobrotus sp.*), certain kinds of Eucalyptus such as blue gum (*Eucalyptus globulus*), certain kinds of Acacias such as the wattles and ground covers such as periwinkle (*Vinca sp.*) and capeweed (*Arctotheca calendula*). These plants and others like them can quickly spread through local natural habitats and seriously degrade them.

7. Curbs, if present at the edges of roads, parking areas, or driveways, should be rolled. Rolled curves are at a low angle, 40° to 50° or less, to allow invertebrates, amphibians, reptiles and other small animals to cross them easily.

8. Any fencing erected in the future on the property other than around the yard and garden areas, should be of a type to allow wildlife to cross. Wire fencing should have a clearance of eighteen inches between the ground and the first wire and can be any height. Board fencing can be of any height and should have at least two panels on a side, or every ten feet, with at least fifteen inches between boards.

9. No motorized vehicles should be used for off-road recreational activities on areas of natural habitat on the property."

(RMA- Planning Department)

Compliance or
Monitoring
Action to be Performed:

Prior to the recordation of the parcel map, include a note on the Parcel Map and submit a Deed Notice prepared by the County, to the Resource Management Agency - Planning Department for review and approval.

The Deed Notices shall be recorded on each new parcel concurrently with recording the parcel map. The recorded map with notes shall be submitted to the RMA - Planning Department for review and approval.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA- Planning Department and Public Works for review and approval.

16. PDSP005 - CONSERVATION AND SCENIC EASEMENT

Responsible Department: Planning Department

Condition/Mitigation
Monitoring Measure: NON-STANDARD CONDITION
In order to avoid potentially significant impacts to aesthetic resources that could result from future ridgeline development, the knoll on Lot 4 shall be included in Conservation and Scenic Easement prohibiting development in the area that could result in potential ridgeline development. The easement shall be developed in consultation with a licensed surveyor. The Conservation and Scenic Easement shall be conveyed to the County over those portions of the property where potential ridgeline development could result. Disturbance of vegetation and soils within the easement shall be limited only to maintenance of defensible space for fire suppression, trails and existing roads and utilities within the easement.
(RMA - Planning Department)

Compliance or
Monitoring
Action to be Performed: Prior to the recordation of the Parcel Map, submit the Conservation and Scenic Easement deed provided by the County and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a licensed land surveyor or a professional engineer to the Resource Management Agency - Planning Department for review and Board of Supervisors approval. Record the deed and map showing the approved conservation and scenic easement and submit a copy of the recorded deed and map to the RMA - Planning Department.

17. PDSP006 - NOTE ON THE MAP AND DEED NOTICE

Responsible Department: Planning Department

Condition/Mitigation
Monitoring Measure: NON-STANDARD CONDITION
Historic Resources: A note shall be placed on the Parcel Map and a Deed Notice shall be recorded stating as follows:

"A Phase I Historical Assessment was completed for the project by CRMS and is on file at the RMA- Planning Department. The report concluded that the historic resource which includes the structures that make up the ranch complex and the associated cemetery, are significant and are eligible for listing in the California Register and the County Register of Historic Resources. The ranch is considered eligible for listing according to the criteria for the California Register of Historic Resources and according to CEQA Guidelines Section 15064.5(a)(3). The ranch complex as well as the family cemetery have been placed on the state historic resources inventory and a site record has been filed. The ranch now has the trinomial designation of CA-MNT2250 and an assigned primary number of P-002860. For any future development on Lots 1 and 3 a Phase 2 historic assessment will be required for recommendations or mitigation measures concerning the historic resource and may be subject to CEQA. Future development on Lots 1 and 3 shall avoid resulting in a substantial adverse impact to the Valdez family cemetery on Lot 3, including a minimum setback for any development from the resources as recommended by a qualified historian."
(RMA - Planning Department)

Compliance or
Monitoring
Action to be Performed: Prior to the recordation of the parcel map, the Applicant/Owner shall submit the Deed Notice prepared by the County to the Resource Management Agency - Planning Department for review and approval.

The Deed Notice shall be recorded on Lots 1 and 3 concurrently with recording the parcel map.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA- Planning Department and Public Works for review and approval.

18. PDSP007 - EASEMENT - HISTORIC RESOURCES

Responsible Department: Planning Department

Condition/Mitigation
Monitoring Measure: NON-STANDARD CONDITION

In order to ensure that there are no potentially significant impacts to archaeological and cultural resources as a result of future development, the historic and archaeological resources shall be included within a Conservation and Scenic Easement restricting development including with a minimum setback area from the resource that could result in a substantially adverse impact to the resource. The easement shall be developed in consultation with a licensed surveyor or a professional engineer and a qualified archaeologist and an historian. The Conservation and Scenic Easement shall be conveyed to the County over those portions of the property where the historic resources are located.
(RMA - Planning Department)

Compliance or
Monitoring
Action to be Performed:

Prior to recordation of the parcel map, submit the easement deed and corresponding map, showing the exact location of the easement along with the metes and bound description developed in consultation with a licensed land surveyor or a professional engineer and a qualified archaeologist and historian to the Resource Management Agency - Planning Department for review and approval.

The parcel map with notes shall be submitted to the RMA - Planning Department for review and approval.

19. PDSP008 - NOTE ON THE MAP AND DEED NOTICE

Responsible Department: Planning Department

Condition/Mitigation
Monitoring Measure: NON-STANDARD CONDITION

Archaeological Resources: A note on the Parcel Map shall be required to be placed on the Parcel Map and a Deed Notice shall be recorded on the newly created parcels requiring a preconstruction survey to protect archaeological resources. This note and the notice shall state: "Prior to any grading or building permits an archaeological reconnaissance survey shall be conducted. All development shall be consistent with the recommendations in the report."
(RMA - Planning Department)

Compliance or
Monitoring
Action to be Performed:

Prior to the recordation of the parcel map, submit the the note on the parcel map and the Deed Notice to the Resource Management Agency - Planning Department for review and approval.

The Deed Notice shall be recorded on each new parcel concurrently with recording the parcel map. Submit a copy of the recorded deed to the RMA- Planning Department.

20. PD035 - UTILITIES UNDERGROUND

Responsible Department: Planning Department

Condition/Mitigation
Monitoring Measure: All new utility and distribution lines shall be placed underground.
(RMA - Planning Department and Public Works Department)

Compliance or
Monitoring
Action to be Performed:

On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA- Planning Department and Public Works for review and approval.

21. PD036 - UTILITIES-SUBDIVISION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A note shall be placed on the parcel/final map or a separate sheet to be recorded with the parcel/final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the parcel/final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works." (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the parcel map, the Owner/Applicant shall place a note on the map or on a separate sheet and submit to the RMA - Planning Department for review and approval.

The Owner/Applicant shall install or bond for the underground utility facilities prior to recording the parcel map.

22. PD032 - PERMIT LENGTH

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NON-STANDARD This permit expires two years after the above date of granting thereof and as provided by the Subdivision Map Act (Government Code 66410). (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Ongoing

23. PDSP009 & HISTORIC STRUCTURES (NON-STANDARD CONDITION)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: At such time that the buildings and cemetery on Lots 1 and 3 become listed on the National Register of Historic Places and/or on the California Register of Historical Resources, the property owner shall apply to the County of Monterey to have the property on Lots 1 and 3 rezoned to be designated with the Historic Resources "HR" overlay on the zoning map. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA-Planning Department and Public Works for review and approval.

Within 60 days of listing the historic resource, the Owner/Applicant shall submit an application to the County of Monterey to rezone the property.

24. PW0015 & UTILITY & S COMMENTS

Responsible Department: Public Works Department

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. (RMA - Public Works)

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

25. PW0022 & FIRE REQUIREMENTS FOR ROADS

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Improve roads in accordance with requirements of the local fire jurisdiction. (RMA - Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of Parcel Map Subdivider shall submit improvement plans prepared by an Engineer to local fire jurisdiction and to the Public Works Department for approval. Roads to be constructed in accordance with approved plans.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA-Planning Department and Public Works for review and approval.

26. PW0031 & PARCEL MAP

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a parcel map delineating all existing and required easements or rights-of-way and monument new lines. (RMA - Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of parcel map Owner/Applicant/Engineer, the Applicant's surveyor shall prepare parcel map submit to the Public Works Department for review and approval.

27. PW0036 - EXISTING EASEMENTS AND ROW

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights of way. (RMA - Public Works)

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

28. MITIGATION MEASURE 16.1 - REGIONAL TRAFFIC FEE

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: To address cumulative traffic impacts to the regional roadway system, the applicant shall pay the Transportation Agency of Monterey County's (TAMC) Regional Development Impact Fee. Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee. (RMA - Public Works Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the applicant shall submit payment of the Regional Development Impact Fee.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA-Planning Department and Public Works for review and approval.

29. WRSP1 - FLOODPLAIN NOTICE - MS (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a recorded floodplain notice, for proposed lots 1 and 2, stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: The owner/applicant shall submit a signed and notarized floodplain notices to the Water Resources Agency for review and approval.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us

The notices shall be recorded concurrently with the Parcel Map.

30. WRSP2 - LANDSCAPING REQUIREMENTS (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation, the owner/applicant shall submit a signed and notarized notice to the Water Resources Agency for review and approval.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us

The approved notice shall be recorded concurrently with the Parcel Map.

31. WRSP3 - NOTICE OF WATER CONSERVATION REQUIREMENTS (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation, the owner/applicant shall submit signed and notarized notices to the Water Resources Agency for review and approval.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us

The approved notices shall be recorded concurrently with the parcel map.

32. WRSP4 FLOODPLAIN (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The floodplain boundaries shall be shown on Lot 1 and Lot 2 the Parcel Map. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the parcel map, submit the parcel map to the Resource Management Agency - Planning Department for review and approval.

33. EHSP01 DEED NOTICE - PERCOLATION TESTING REPORT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: NON-STANDARD CONDITION
A deed notice shall be recorded on each new parcel concurrently with the parcel map with the Monterey County Recorder which states: "A soils and percolation report has been prepared for this parcel by Soil Surveys, dated Aug 16, 2006 and is on record at the Environmental Health Bureau , Monterey County, File Number PLN060043. All proposed development shall be in compliance with this report and the recommendations therein, including the recommendations regarding site locations on pages 11 and site plan figure 2, sheet 1. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, the Owner/Applicant shall submit proposed wording and forms to be recorded to Environmental Health Bureau and RMA - Planning Department for review and approval.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA-Planning Department and Public Works for review and approval.

34. EHSP02 WATER SYSTEM PERMIT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: NON-STANDARD CONDITION
Obtain a new water system permit or permits from the Environmental Health Bureau (EHB) utilizing wells with permit numbers 09-11588 and 09-11589 for either a private water system (1 connection-no permit) and a 3-connection water system or two (2) 2-connection water systems or one 4-connection water system utilizing both wells. In lieu of creating a water system or systems, other wells can be tested and if wells meet Environmental Health Bureau Standards, a permit will not be needed for a parcel with own well that will not be sharing with another parcel. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to filing the Parcel Map, the Owner/Applicant shall submit necessary application, reports and testing results to the Environmental Health Bureau for review and approval.

35. EHSP03 WATER SYSTEM AGREEMENT

Responsible Department: Health Department

Condition/Mitigation NON-STANDARD CONDITION

Monitoring Measure: Pursuant to Monterey County Code Chapter 15.04, Domestic Water systems, record a water system agreement concurrently with the parcel map on each parcel that will be served by a water system. Place a note on the parcel map that the water system has a recorded agreement. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to filing Parcel Map, the Owner/Applicant shall submit an agreement to Environmental Health Bureau for review and approval.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA-Planning Department and Public Works for review and approval.

36. EHSP04 MINOR SUBDIVISION INSTALL WATER SYSTEM IMPROVEMENTS

Responsible Department: Health Department

Condition/Mitigation NON-STANDARD CONDITION

Monitoring Measure: All parcels that will be served by a water system shall have all water system improvements and appurtenances installed prior to issuance of a water system permit. A valid water system permit from the Environmental Health Bureau must be secured prior to recordation of the parcel map for each parcel that will share a well with one or more parcels. All water system improvements and appurtenances shall be installed pursuant to Monterey County Code, Chapter 15.04, prior to recordation of the Parcel Map. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Install the water system improvements to and within the subdivision and any appurtenances needed.

Prior to filing Parcel Map, the Owner/Applicant shall obtain approval a final inspection of the installation from Drinking Water Protection Services of the Environmental Health Bureau.

37. Inclusionary Housing Compliance

Responsible Department: Redevelopment

Condition/Mitigation NON-STANDARD CONDITION

Monitoring Measure: The applicant shall comply with the County's Inclusionary Housing Ordinance #04183 by paying, or securing, to the satisfaction of the Housing Office Program Manager, an in-lieu fee of \$13,770, consistent with the adopted Inclusionary Housing Administrative Manual. (Housing Office)

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Parcel Map, the applicant must pay or secure, to the satisfaction of the Housing Office Program Manager, an in-lieu fee of \$13,770.

38. FIRE 030 ACCESS

Responsible Department: Fire

Condition/Mitigation NON-STANDARD CONDITION

Monitoring Measure: Fire department access to meet requirements as follows:

- (1) All roads shall be constructed to provide a minimum of two 9-foot traffic lanes.
- (2) Surface shall provide unobstructed access to conventional drive vehicles.
- (3) Surfaces shall be capable of supporting the imposed load of fire apparatus.
- (4) Grades shall not exceed 15%; grades over 8% shall be paved.
(Cal-Fire South County)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, show above requirements on the plans and submit to RMA Planning and Building for review and approval.

This condition shall be placed as a note on a separate sheet on the Parcel Map. Prior to recordation, the Owner/Applicant shall submit the parcel map with the notes to the RMA-Planning Department and Public Works for review and approval.

39. PRKS002

Responsible Department: Parks Enforcement

Condition/Mitigation PRKS002 - RECREATION REQUIREMENTS/FEES

Monitoring Measure: 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 and E) (Parks Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of parcel map, the Owner/Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.

AFFIRMATIVE LOCATIONS OF SENSITIVE PLANT SPECIES, POTENTIAL SAN JOAQUIN TIT FOR BUCKING SAUL VILLANUEVA PROPERTY
 By Ed Maravilla, Biological Consultant, July, 2011

AFFIRMATIVE LOCATIONS OF:

- 1. SENSITIVE PLANT SPECIES
- 2. POTENTIAL SAN JOAQUIN TIT
- 3. BUCKING SAUL VILLANUEVA PROPERTY
- 4. SENSITIVE PLANT SPECIES
- 5. POTENTIAL SAN JOAQUIN TIT
- 6. BUCKING SAUL VILLANUEVA PROPERTY

SEPTIC SYSTEMS

THE LOCATION AND CHARACTERISTICS OF ALL SEPTIC SYSTEMS ARE SHOWN ON THIS PLAN. THE LOCATION AND CHARACTERISTICS OF ALL SEPTIC SYSTEMS ARE SHOWN ON THIS PLAN.

EROSION CONTROL

THE LOCATION AND CHARACTERISTICS OF ALL EROSION CONTROL MEASURES ARE SHOWN ON THIS PLAN. THE LOCATION AND CHARACTERISTICS OF ALL EROSION CONTROL MEASURES ARE SHOWN ON THIS PLAN.

EMBANKMENT EROSION CONTROL

THE LOCATION AND CHARACTERISTICS OF ALL EMBANKMENT EROSION CONTROL MEASURES ARE SHOWN ON THIS PLAN. THE LOCATION AND CHARACTERISTICS OF ALL EMBANKMENT EROSION CONTROL MEASURES ARE SHOWN ON THIS PLAN.

ITEM FOUNDING FEET ACRES

ITEM	FOUNDING FEET	ACRES
BLANKET FOUNDING	30	
FOUNDATION	30	
FOUNDATION (SLOPE)	500	
FOUNDATION	1000	

GENERAL NOTES

- 1. THIS PLAN IS FOR INFORMATION ONLY.
- 2. THE LOCATION AND CHARACTERISTICS OF ALL SEPTIC SYSTEMS ARE SHOWN ON THIS PLAN.
- 3. THE LOCATION AND CHARACTERISTICS OF ALL EROSION CONTROL MEASURES ARE SHOWN ON THIS PLAN.
- 4. THE LOCATION AND CHARACTERISTICS OF ALL EMBANKMENT EROSION CONTROL MEASURES ARE SHOWN ON THIS PLAN.
- 5. THE LOCATION AND CHARACTERISTICS OF ALL SENSITIVE PLANT SPECIES ARE SHOWN ON THIS PLAN.
- 6. THE LOCATION AND CHARACTERISTICS OF ALL POTENTIAL SAN JOAQUIN TIT ARE SHOWN ON THIS PLAN.
- 7. THE LOCATION AND CHARACTERISTICS OF ALL BUCKING SAUL VILLANUEVA PROPERTY ARE SHOWN ON THIS PLAN.
- 8. THE LOCATION AND CHARACTERISTICS OF ALL SENSITIVE PLANT SPECIES ARE SHOWN ON THIS PLAN.
- 9. THE LOCATION AND CHARACTERISTICS OF ALL POTENTIAL SAN JOAQUIN TIT ARE SHOWN ON THIS PLAN.
- 10. THE LOCATION AND CHARACTERISTICS OF ALL BUCKING SAUL VILLANUEVA PROPERTY ARE SHOWN ON THIS PLAN.

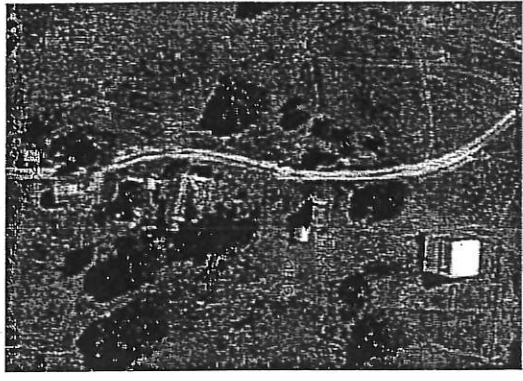
ED MARAVILLA
 BIOLOGICAL CONSULTANT
 5511 10TH STREET
 SALINAS, CA 94589

OWNER:
 SAUL VILLANUEVA
 50403 MARITIME ROAD, LOONWOOD, CA 94532

SURVEYOR / ENGINEER:
 H. D. PETERS & COMPANY
 145-145 25TH STREET
 SALINAS, CA 94589

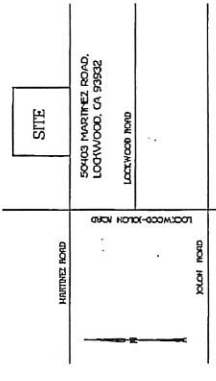


H. D. PETERS & COMPANY
 ENGINEERING - SURVEYING - LAND PLANNING
 145-145 25TH STREET, SALINAS, CA 94589



DETAIL OF EXISTING STRUCTURES ON LOT 1

SCALE 1" = 50'

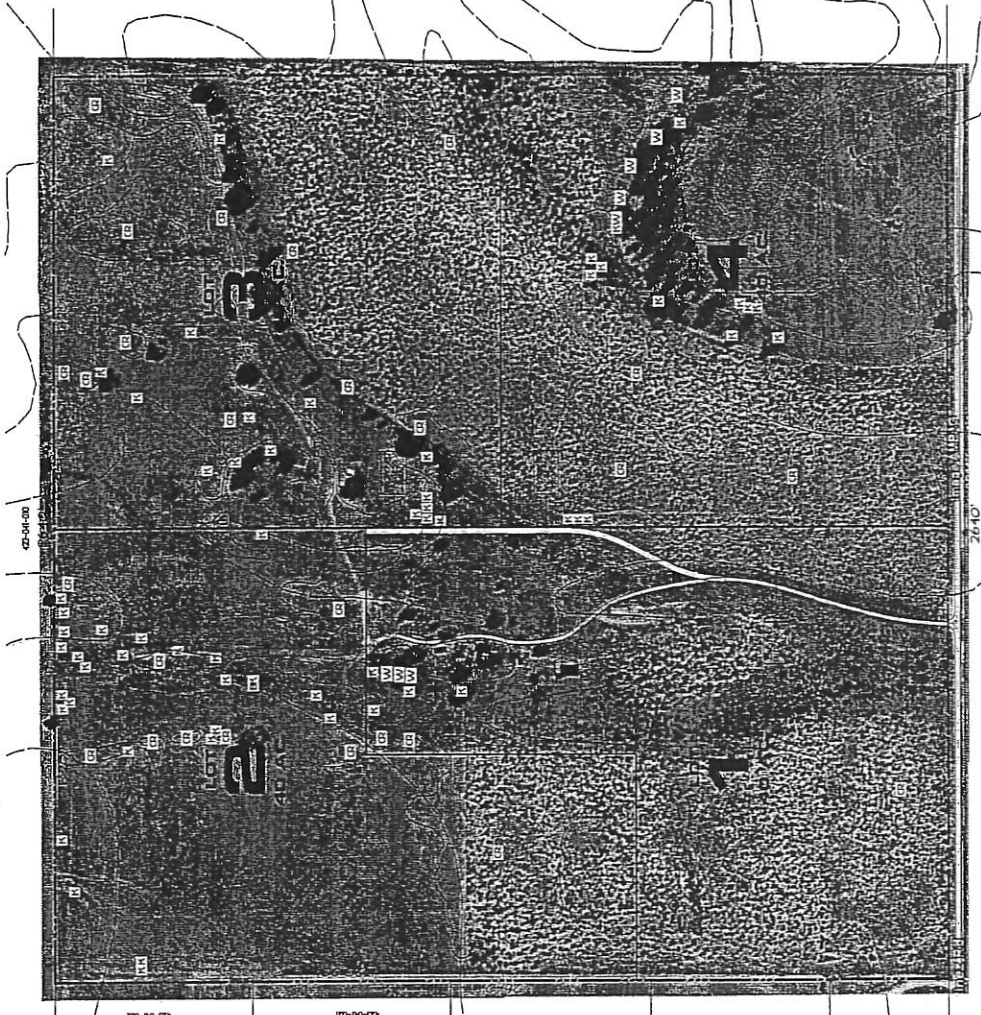


VICINITY MAP NOT TO SCALE

REVISED JULY 13, 2011 A.S.

SHEET
ONE
 OF ONE

SCALE 1" = 150' DRAWN BY JOB NO. 3072
 DATE: JUNE 2011 DESIGNED FILE NO. 3072 BNC



SCALE 1" = 150'

PPN 423-04-018

TENTATIVE MAP FOR SAUL VILLANUEVA
 50403 MARITIME ROAD, LOONWOOD, CA 94532

Exhibit B
 Page 35 of 35 Pages

EXHIBIT C

Historical Resources

A Phase I Historical Assessment was completed for the project by CRMS and is on file at the RMA-Planning Department. The report concluded that the historic resource which includes the structures that make up the ranch complex and the associated cemetery, are significant and are eligible for listing in the California Register and the County Register of Historic Resources. The ranch is considered eligible for listing according to the criteria for the California Register of Historic Resources and according to CEQA Guidelines Section 15064.5(a)(3). The ranch complex as well as the family cemetery have been placed on the state historic resources inventory and a site record has been filed. The ranch now has the trinomial designation of CA-MNT2250 and an assigned primary number of P-002860. For any future development on Lots 1 and 3 a Phase 2 historic assessment will be required for recommendations or mitigation measures concerning the historic resource and may be subject to CEQA. Future development on Lots 1 and 3 shall avoid resulting in a substantial adverse impact to the Valdez family cemetery on Lot 3, including a minimum setback for any development from the resources as recommended by a qualified historian. (RMA - Planning Department)

The Deed Notice shall be recorded on Lots 1 and 3 concurrently with recording the parcel map.