

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

Attachment F

Resolution No. 93-499 --)
Resolution by the Monterey County)
Board of Supervisors to adopt a)
Negative Declaration and approve)
a Combined Development Permit)
including: a Standard Subdivision)
Tentative Map to divide Monterra)
Ranch Lot 1 into 45 parcels;)
Zoning Reclassification from)
RDR/10-UR-VS (Rural Density Residen-)
tial) to MDR/B-6-UR-VS (Medium Densi-)
ty Residential), RDR-B-6-UR-VS (Rural)
Density Residential), RDR-B-6-UR-D-S)
and O-D-S (Open Space); and a Use)
Permit for Development in an Area of)
Visual Sensitivity including tree re-)
moval and Design Approval to allow)
the construction of 42 Inclusionary)
Housing Units (PC93092))
AP#259-091-001-000, 259-091-002-000)
and 259-091-003-000, Monterey Area)

The Board of Supervisors of Monterey County resolves as follows:

SECTION 1. The Board of Supervisors finds:

1. Finding: The project is consistent with the General Plan.
Evidence: The project is a portion of the Monterra Ranch Subdivision (SB-826) which, at an overall density of 10.2 Acres/Unit is consistent with the Greater Monterey Peninsula Area Plan which designates the entire subdivision as Rural Density Residential, 10. Acres/Unit.

The project meets the requirements of the housing element of the General Plan Policy 58.1.15 and the requirements of the Inclusionary Housing Ordinance, Chapter 18.40, Monterey County Code, for low and moderate income housing, in that this project includes the requirements for low and moderate income housing for Monterra Ranch.

Staff review finds the project is consistent with all elements and policies of the Greater Monterey Peninsula Area Plan, including, but not limited to Policies 3.1.1.1; 3.2.4.1; 7.2.3; 17.3.1.1;

17.3.1.3; 17.4.1.1; 17.4.13; 26.1.6.1; 40.2.9;
62.1.14.

2. Finding: The proposed development is consistent with the proposed zoning classification included as part of this development application and the development density for the Greater Monterey Peninsula Area Plan.

Evidence: The development application includes reclassification to "MDR-B-6-VS", "RDR-B-6-VS", "RDR-B-6-S-D", and "O-D-S" for various parts of the lot. The actual density for the entire Monterra Ranch project with the Inclusionary Housing is 8.96 Acres/Unit. This was approved as a density by the Board of Supervisors Resolution No. 87-527, October 6, 1987. Said zoning is consistent with the Monterey County housing goals identified in the Monterey County General Plan and the Greater Monterey Peninsula Area Plan, Policy 62.1.14 (Inclusionary Housing units not included in density calculations for the subdivision).
3. Finding: The site of the proposed project is physically suitable for the type of development proposed.

Evidence: Based on Rogers Johnson and Associates Geologic Assessment dated 5/28/93 and addendum dated 6/15/93 and Haro Kasunich and Associates Geotechnical and Percolation Investigation dated 5/25/93, all geologic potential constraints can be mitigated. Recommended conditions incorporate all mitigations of the geologic and geotechnical investigations. No other physical constraints are known to exist on the property.
4. Finding: The design of the project proposed in the tentative map and the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure rare plant species or wildlife or their habitat.

Evidence: Based on Larry Seeman Associates report "Biological Resources of the Monterra Ranch Subdivision" (6/5/85) and EIR 84-007 indicate no sensitive species in the area of Ranch Lot 1. This was verified by Vern Yadon site visit (5/28/93).
5. Finding: The design of the project proposed by the tentative map and type of improvements proposed are not likely to cause public health problems.

Evidence: Water will be supplied by a water well supply system developed for Monterra Ranch. Sewage

disposal will occur by septic system as approved by the Chief of Environmental Health.

6. Finding: The project has been reviewed against the housing needs of the County.
Evidence: The design of the units allow single-family detached residences for moderate income homeowners, while preserving the County's visual resources and minimizing tree removal.
7. Finding: The project, as proposed, will have no significant adverse effects on the environment.
Evidence: An initial study prepared August 16, 1993, identified no potentially significant adverse impact which could not be mitigated to acceptable levels. Potential effects of grading and drainage will be mitigated through implementation of drainage and erosion control measures for this project, and the implementation of the mitigation measures as identified in the Geologic and Geotechnical investigations for the project. Potential visual impacts will be minimized by appropriate colors, tree replacement and landscape screening to be required as part of the subdivision improvements (See Conditions 29-42, 106-110).
8. Finding: Relocation of the Monterra Ranch inclusionary housing to Ranch Lot 1 may have impacts on pedestrian traffic and certain types of fire hazard that should be mitigated by appropriate condition(s) of approval.
Evidence: Testimony and evidence presented at the public hearings (See Conditions 116-117).
9. Finding: For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.
Evidence: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The Initial Study identifies potential impacts including erosion, dust, changes in surface runoff which will be mitigated to a less than significant level by conditions of approval.
10. Finding: The establishment, maintenance, or operation of the use or building applied for, will not under the circumstances of the particular case, be

detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Evidence: This is evidenced by the above findings and supporting evidence.

SECTION 2. The Board of Supervisors hereby adopts the Negative Declaration and approves said application as shown on the attached sketch, subject to the following conditions:

1. Design and construct the water system improvements to meet the standards as set forth in Title 15 of the Monterey County Code or in Title 22 of the California Administrative Code and as contained in the Residential Subdivision Water Supply Standards. Submit plans for the water system to the Director of Environmental Health for review and approval before installation or bonding of the system improvements. Also, submit plans to the State of California, Sanitary Engineering, for their review and approval. (Environmental Health)
2. Obtain a permit for the water system from the Health Department. (Environmental Health)
3. If necessary, provide a public utility or County Service area (governmental agency) to be responsible for the onsite water system, both maintenance and operation. (Environmental Health)
4. If necessary, provide plans for the water treatment system to include redundancies and emergency power. Submit the plans to the Director of Environmental Health and the State of California, Sanitary Engineering, for their review and approval. (Environmental Health)
5. If necessary, the wastewater facility must be operated by a public utility or County Service area (governmental agency) to be responsible for the onsite wastewater system, both maintenance and operation. (Environmental Health)
6. Submit an updated final map indicating the proposed well lot(s), water distribution, and access easements for the water system to the Director of Environmental Health for review and approval prior to filing the final map. (Environmental Health)
7. That a deed notification shall be recorded concurrently with the final parcel map with the Monterey County Recorder which

states: "A soils and percolation report has been prepared for this parcel by Haro, Kasunich and Assoc., dated May 25, 1993 and is on record at the Division of Environmental Health, Monterey County, File Number PC 93092. All proposed development shall be in compliance with this report and the recommendations therein." (Environmental Health)

8. The subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company, Pacific Telephone Company, and water company. Utility companies shall submit their recommendations, if any, to the Public Works Director for all required easements. (Public Works)
9. If required, the subdivider shall pay for all maintenance and operation of trails, private roads, fire hydrants and storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors as completed in accordance with the agreement or until a Homeowners' Association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)
10. Provide for a pedestrian pathway throughout the subdivision subject to the approval of the County Surveyor. (Public Works)
11. That all natural drainage channels be designated on the final map by easements labeled "Natural Drainage Easement." (Public Works)
12. Construct a deceleration taper on Camino Monterra Road at the intersection of Oak Tree Lane. (Public Works)
13. That a grading permit be obtained from the Building Department, if required. (Public Works)
14. That Oak Tree Lane and Oak Tree Place be constructed in accordance with the typical section shown on the tentative map. (Public Works)
15. Provide evidence that the City of Monterey has considered and denied or accepted a connection to the City's sewer collection system. (Public Works)
16. If the City of Monterey denies connection, the developer shall make application and complete formation of a County Service Area to provide for wastewater disposal. (Public Works)

17. Obtain all necessary permits for the community septic system to include a Regional Water Quality Control Board Discharge Permit and pay applicable fees. (Public Works)
18. Prepare an Operations and Financing Plan approved by the Public Works Department that identifies a maintenance and operations program for the community septic system consistent with the various permit requirements, estimates annual cost per residential unit, and recommends a reserve for contingency amount to rectify a major component failure. (Public Works)
19. Make financial arrangements subject to the approval of the Public Works Department for the establishment of a reserve fund for contingency to rectify a major component failure. (Public Works)
20. Grant an alternate easement to the County equivalent in area to the proposed community septic system on a parcel of land immediately adjacent to the proposed development. Provide a Geotechnical and Percolation Investigation on the alternate easement. (Public Works)
21. Prepare plans showing how each residential unit will be served on the alternate easement if the proposed community septic system fails. (Public Works)
22. If required by Public Works, enter into an agreement to provide for a third-party engineering review. (Public Works)
23. Develop and submit CC&Rs for approval by the Public Works Department that preclude the use of garbage disposals and water softeners that discharge into the septic system. (Public Works)
24. Enter into an agreement to install grease traps for each residential unit. Maintenance of the grease traps shall be provided for, either in the CC&Rs or through the proposed CSA. (Public Works)
25. Identify portions of the collection systems to be maintained by the CSA and grant easements over those facilities. (Public Works)
26. The design and construction of all improvements contained within the community septic system shall be approved by the Public Works Department. (Public Works)
27. A debris impact and deflection barrier shall be constructed upslope from all homes on the upper portion of the debris

- fan. The barrier shall be engineered to withstand a volume of 2500 cubic yards at 10 feet per second, and shall be built according to the criteria as established in the Haro, Kasunich, and Associates 5/25/93 Geotechnical Investigation for the project. (Planning and Building Inspection)
28. Access for equipment for debris removal shall be incorporated into the design of the debris impact and deflection barrier. (Planning and Building Inspection)
 29. In the event a debris flow impacts the barrier the debris shall be removed as soon as possible to ensure that possible subsequent debris flows have an adequate catchment area. (Planning and Building Inspection)
 30. The recommendations by Haro, Kasunich and Associates (1993) to mitigate the potential for liquefaction in the sensitive silts underlying the subject site shall be implemented. (Planning and Building Inspection)
 31. The inclusionary housing units shall be designed to meet the seismic parameters presented in the Rogers Johnson and Associates Preliminary Geologic Report (1986). (Planning and Building Inspection)
 32. The Haro Kasunich and Associates Geotechnical Investigation for the project (5/25/93) contains 47 geotechnical recommendations for site grading, debris flow deflection walls, retaining walls, foundation design, site drainage, road design, and utility trenches which have been incorporated into the project design. (Planning and Building Inspection)
 33. The project design shall incorporate all recommendations contained in the geologic and geotechnical reports. The project geologist and geotechnical engineer shall review final design prior to issuance of building permit, and construction prior to final inspection to ensure that recommendations are properly interpreted and implemented. (Planning and Building Inspection)
 34. The project shall comply with all provisions of the County Grading and Erosion Control Ordinances. (Planning and Building Inspection)
 35. Prior to issuance of grading permits, the applicant shall submit, and the County shall review and approve 4 copies of an Erosion Control Plan prepared by a registered civil engineer, certified engineering geologist, or approved erosion control specialist pursuant to County Code section 16.12.060. (Planning and Building Inspection)

36. Subdivider shall contribute to a fund for drainage facilities improvements in Canyon del Rey a proportionate share to be determined by the Water Resources Agency. (Water Resources Agency)
37. Necessary drainage improvements shall be constructed in accordance with plans by a registered civil engineer addressing on-site and off-site impacts, and the design of stormwater detention/sediment facilities. Detention/retention ponds are to be fenced for public safety. (Water Resources Agency)
38. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. Facility shall be maintained to function per the approved design. (Water Resources Agency)
39. A homeowners association or comparable entity shall be formed for the maintenance of roads, drainage facilities, and open spaces. The Homeowner's Association shall also perform grease trap cleaning for all grease traps which serve more than one lot, street sweeping and similar acts required by the AMBAG 208 Study. Documents for formation of the association shall be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency, prior to filing the final map. The CC&Rs shall include provisions for a yearly report by a registered civil engineer, and the monitoring of impacts of drainage and maintenance of drainage facilities. Annual report shall be approved by the County Water Resources Agency. (Water Resources Agency)
40. If the homeowners association or comparable entity after notice and public hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs from the property owners upon their property tax bill. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect shall be entered into concurrent with the filing of the final map of the first phase of the subdivision. (Water Resources Agency)
41. The conditions, covenants and restrictions shall incorporate

- the mitigation measures outlined in the Monterra Ranch EIR #84-007 (animal control, fencing designs, vegetation buffers, fire control standards, tree removal guidelines, open space). (Salinas Rural Fire Protection District)
42. Provide fire flow as required by the Residential Subdivision Water Supply Standards unless otherwise approved by the local fire agency. (Salinas Rural Fire Protection District)
 43. House numbers shall be posted so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the house numbers shall be set adjacent to the driveway or access road to the property. House numbers shall be posted when construction begins. NOTE: If house numbers are not posted, building/fire inspectors will not final project. (Salinas Rural Fire Protection District)
 44. Water system shall be capable of delivering 750 GPM for a 2 hour duration. Hydrants shall be spaced a maximum of 750 feet apart. Fire flow, duration, and hydrant spacing is based on NFPA 13D Residential sprinklers being installed. Without residential sprinklers, the fire flow would be a minimum of 1500 GPM for a 2 hour duration with a maximum of 500 foot spacing for location of fire hydrants. Hydrants shall have one 2 1/2 inch and one 4 1/2 inch outlets NST (National Standard Threads). Water system shall be a looped system. NOTE: If automatic sprinklers were installed in the garage area and areas exempted by NFPA 13D 1989 Edition Exception #1, the 750 GPM for a 2 hour duration may be reduced to 500 GPM for a one hour duration. (Salinas Rural Fire Protection District)
 45. All dwellings shall have a residential sprinkler system installed per National Fire Protection Association 13D and Salinas Rural Fire District requirements. (Salinas Rural Fire Protection District)
 46. All roofs shall be constructed of fire retardant materials as per the Uniform Building Code for Class A and B type roofs. (Salinas Rural Fire Protection District)
 47. All access roads shall be a minimum of 20 feet in width to accommodate fire apparatus. When there are not more than two single family dwellings, this may be modified, provided firefighting or rescue operations would not be impaired. In this case, access roads shall not be less than 12 feet wide, with 16 feet total clearance. (Salinas Rural Fire Protection District)
 48. Overhead clearance shall be a minimum of 13 feet 6 inches. (Salinas Rural Fire Protection District)

49. No grade shall exceed 15% unless approved by the Chief or Fire Marshal of the Salinas Rural Fire District. (Salinas Rural Fire Protection District)
50. All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turn-around of fire apparatus. (Salinas Rural Fire Protection District)
51. Access roads shall be of an all-weather driving surface capable of supporting the imposed loads of fire apparatus. (Salinas Rural Fire Protection District)
52. If archaeological resources or human remains are discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. (Planning and Building Inspection)
53. That the subdivider grant an avigation easement for each unit to the Monterey Peninsula Airport District prior to filing of the final map and subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
54. In the event that the County of Monterey adopts an overall ordinance providing for the construction and funding of Highway 68 improvements prior to recordation of the final subdivision map, the subdivider shall comply with that ordinance. Inclusionary units are excepted from this requirement. (Planning and Building Inspection)
55. That the open space area, except that area to be used for the required 21 visitor parking spaces, be placed in scenic easement and reflected on the final map, subject to the review and approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
56. That a note be placed on the final map indicating that "underground services are required in this subdivision in accordance with Chapter 19.12.140(M) of the Monterey County Code." Such facilities shall be bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (Planning and Building Inspection)
57. That a note, subject to the approval of the Director of Planning and Building Inspection, be placed on the final map

indicating that a geologic report has been prepared for this subdivision by Rogers Johnson and Associates (5/93, 6/93). (Planning and Building Inspection)

58. That the recommendations of the R. Johnson and Associates Geologic Report (5/93, 6/93) and the Haro, Kasunich and Associates Geotechnical Report (5/93) be incorporated into the design of improvements for the project subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
59. That a note, subject to the approval of the Director of Planning and Building Inspection, be placed on the final map, that a geotechnical report has been prepared which includes specifications for excavation, site preparation, retaining walls and foundation designs on the subdivision site by Haro, Kasunich and Associates (5/93). (Planning and Building Inspection)
60. That a note be placed on final map subject to the approval of the Director of Planning and Building Inspection, which states that this "project is an inclusionary housing subdivision (Lots 1-42)." (Planning and Building Inspection)
61. That the developer record a notice that Lots 1-42 are to be for low and moderate income housing only and Lots 1-42 are to be occupied by the purchaser, as defined by the Inclusionary Housing Ordinance. The notice shall further state that subsequent purchasers of the units shall also qualify as low to moderate income, pursuant to the definition of the Inclusionary Housing Ordinance and as verified by the Housing Authority of the County of Monterey and include provisions for no rental of said units. Said notice shall be reviewed and approved by the Director of Planning and Building Inspection prior to filing the final map. (Planning and Building Inspection)
62. This property owner agrees as a condition of the approval of the combined development permit which includes a standard subdivision, a use permit, and rezoning, that it will pursuant to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for in Government Code Section 66499.37. An agreement to this effect shall be recorded concurrent with the filing of the final map. The County shall promptly notify the subdivider of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to

promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection)

63. That the subdivider, and subsequently, Homeowners' Associations, provide access to the property and an annual report providing information on the status of implementation of conditions (including but not limited to Conditions #31, 36, 82, and 90) applied to this project as mitigation measures identified in EIR 84-007, and in the Initial Study for the project. Said report shall be due June 30th each calendar year with the appropriate fees, and be subject to approval and acceptance of the Director of Planning Building Inspection. The program for monitoring shall be submitted for approval of the Director of Planning and Building Inspection and Water Resources Agency prior to the filing of the final map. (Planning and Building Inspection)
64. That a recreation plan be prepared for the common area, including provision for a tot lot area and equipment, subject to the review and approval of the Director of Planning and Building Inspection. Said plan shall be approved prior to the issuance of building permits. (Planning and Building Inspection)
65. All utilities (including fire hydrants and storm drains) shown on the tentative map are proposed only. The exact location, number, size, and other pertinent information will be checked and approved at the time the final improvement plans are submitted. (Public Works)
66. All material necessary to present the subdivision to the Board of Supervisors shall be submitted in final form to the County Surveyor one month prior to the presentation of the final map. (Public Works)
67. The initial submission of the improvement plans for checking shall be in complete form and accompanied by all required reports. The initial submission of the final map shall be in complete form and accompanied by the traverse sheets and map checking fee. (Public Works)
68. That a drainage report be submitted for all areas contributing to natural drainage originating in, or running through, the subdivision. (Water Resources Agency)
69. That all graded areas of the street right-of-way be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas

and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following:

- A. That the cut and fill slopes can be stabilized.
 - B. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy Item A.
 - C. Type and amount of maintenance required to satisfy Item A.
 - D. Native and drought resistant plant material shall be used. (Public Works)
70. That cut slopes not exceed 1-1/2 to 1 except as specifically approved in concurrence with the erosion control report and as shown on the erosion control plan. Slope rounding shall be minimum of 10' x 10' to include replacement of topsoil. (Public Works)
 71. That street cross sections at 50' intervals be submitted to the County Surveyor with the improvement plans. Slope easements may be required. (Public Works)
 72. That the access road be constructed to a width of 24' plus drainage control with adequate turnaround for emergency vehicles. (Public Works)
 73. That the roads be designated on the final map as follows: "Private Roads." (Public Works)
 74. That the title block on the final map indicates that this is a private road subdivision. (Public Works)
 75. That the improvement plans include the specific plan and implementation schedule of measures for the prevention and control of erosion, siltation, and dust during and immediately following construction and until erosion control plantings become established. This plan shall be to the satisfaction of the Director of Planning and Building Inspection. Temporary silt traps and drainage diversion dikes may be required. (Planning and Building Inspection)
 76. That the proposed street names be approved by the County. (Public Works)
 77. That the subdivider contribute \$7,800 to the County of Monterey for the construction and funding of Highway 68 improvements prior to recordation of the subdivision final map. (Public Works, Planning and Building Inspection)
 78. Water availability shall be provided from a conventional

water system, from an approved alternative water system if within 300 feet of a habitable structure, by the firefighting equipment of the fire district within which the property is located, or by an individual water storage facility, such as a water tank, swimming pool, etc. on the property itself. The Fire and Planning Departments shall determine the adequacy and location of individual water storage to be provided. (Salinas Rural Fire Protection District)

79. Access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access. The minimum unobstructed width of an access road shall not be less than 20 feet.

Exceptions:

- a. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.
 - b. When access road cannot be installed due to topography, waterways, non-negotiable grades or other similar site or environmental conditions, the chief may require additional fire protection as specified in Section 10.301(b), Installation and Maintenance of Fire Protection, Life-Safety Systems and Appliances.
 - c. When there are not more than two single family dwellings, the requirements of this section may be modified, provided firefighting or rescue operations would not be impaired. In this case, access roads shall be not less than 12 feet wide, with 12 feet total clearance. (Salinas Rural Fire Protection District)
80. All access roads shall be maintained by the responsible parties to ensure the fire department safe and expedient passage at all times. (Salinas Rural Fire Protection District)
81. Gates on access roads and driveways shall have a minimum clear opening of 12 feet with gate fully open. (Salinas Rural Fire Protection District)
82. Electric gates shall be provided with a keyed switch meeting fire department specifications. Manual gates shall be provided with fire department padlocks. (Salinas Rural Fire Protection District)
83. Every building, structure, and/or development shall be constructed to meet, at minimum, the requirements specified

in Volume I of the current edition of the Uniform Building Code, Fire Hazard Policy 17.3.35, and Table 2 of this general plan. The Chief of the fire agency having jurisdiction may recommend to the appropriate decision-making authority a variation of the general plan fire hazard policies and Table 2 (but not UBC Standards) for structures where, in his opinion, the fire safety of the County and adjoining and nearby properties and improvements is not materially impaired by such variation. (Salinas Rural Fire Protection District)

84. Each chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be equipped and maintained with a spark arrester constructed of iron, heavy wire mesh or other noncombustible material, with openings not larger than 1/2 inch mesh screens. (Salinas Rural Fire Protection District)
85. All flammable vegetation or other combustible growth shall at all times maintain a clear distance of not less than 30 feet on each side from structures or buildings. This shall not apply to single specimens of trees, ornamental shrubbery or similarly plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure. Additional fire protection or firebreak may be required when, because of extra hazardous conditions, a firebreak of only 30 feet around such structure is not sufficient to provide reasonable fire safety. Environmentally sensitive areas may require alternate fire protection, to be determined by the Fire Chief and Director of Planning and Building Inspection. (Salinas Rural Fire Protection District)
86. Remove that portion of any tree which extends within 10 feet of the outlet of any chimney. Maintain any tree, adjacent to or overhanging any building, free of dead wood. Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth. Maintain a minimum clearance of two feet between the electrical service drop wire and tree limbs and branches. (Salinas Rural Fire Protection District)
87. At least three weeks prior to final building inspections, the applicant shall provide three copies of a landscaping plan for the building complex area to the Director of Planning and Building Inspection for review and approval. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscape materials, utilizing native drought-tolerant species, where feasible. Landscaping shall be installed prior to final inspection. (Planning and Building Inspection)

88. That all landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
89. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The location, type, and wattage of exterior light fixtures must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits. (Planning and Building Inspection)
90. That a parking plan which includes a minimum of 21 visitor parking spaces be designed, submitted, and approved by the Director of Public Works and by the Director of Planning and Building Inspection prior to the issuance of building permits. (Planning and Building Inspection)
91. That the design of all structures, signs and fences be approved by the Planning Commission. (Planning and Building Inspection)
92. If necessary, a registered civil engineer or similarly licensed professional shall be contracted by the developer to perform construction inspections of the wastewater facility. The licensed professional shall submit to the Environmental Health Department a schedule of inspection and confer with Environmental Health regarding the parameters of the inspections to be conducted including method of notification of compliance with all applicable health codes. (Public Works, Environmental Health)
93. If necessary, the applicant shall submit detailed wastewater facility design for review and approval by the Environmental Health Department. (Environmental Health)
94. The subdivider agrees that this subdivision (PC93092) is subject to the condition that the original Monterra Townhomes Subdivision site (PC-7198) will revert to one approximately 47 acre building site. The purpose of this condition is to ensure that both this map and the map approved as PC-7198 are not filed or recorded. (Planning and Building Inspection)
95. That a 100 foot open space area be dedicated along both sides of Olmsted Road. This area shall be rezoned to the "O-D-S" zoning district, and will be placed in Scenic Easement. (Planning and Building Inspection)

96. That the landscape plan include five 15 gallon replacement Coast Live Oaks as indicated in the Forest Management Plan prepared for this project and significant screening of the project from Olmsted Road as shown on the visual analysis for the project dated 8/93 and consistent with the landscape plan submitted for the project dated August 17, 1993, using drought tolerant native vegetation, subject to the approval of the Director of Planning and Building Inspection prior to filing the final map. (Planning and Building Inspection)
97. That proposed lots 3 and 4 be relocated to an area outside of the required 100 foot open space area along Olmsted Road. (Planning and Building Inspection)
98. That prior to the approval of this tentative map the developer will submit a revised tentative map showing lots 3 and 4 outside the 100 foot open space area along Olmsted Road. (Planning and Building Inspection)
99. That the project be rezoned to "MDR-B-6-VS" (inclusionary lots 1-42), "RDR-B-6-VS" (Lot 43), "RDR-B-6-S-D" (Lots 44 and 45), and "O-D-S" (Lot P and all areas within 100 feet of Olmsted Road), concurrently with the filing of the final map. (Planning and Building Inspection)
100. That the colors of the proposed inclusionary units be those colors approved by this permit (or comparable subject to the approval of the Director of Planning and Building Inspection). (Planning and Building Inspection)
101. Prior to recordation of the final map, the applicant shall provide, to the satisfaction of the Director of Planning and Building Inspection and County Counsel, either: 1) evidence that the tentative map for the original Monterra Townhomes subdivision (PC-7189) has expired, or 2) an agreement between the applicant and the County stating that the applicant agrees not to record the final map for the original Monterra Townhomes subdivision. The intention of this condition is to insure that only the final map for this project or the original Monterra Townhomes subdivision be recorded, not both. (County Counsel)
102. That in exchange for the three new market rate lots the developer agrees to omit lots #118, 119, and 121 of the approved tentative map for the Monterra Ranch Subdivision. (Planning and Building Inspection)
103. If determined necessary by the Director of Environmental Health prior to issuance of building permits, interior noise levels in the inclusionary units shall not exceed 45 decibels within the structure. (Airport Land Use Commission,

Environmental Health)

104. If necessary, a septic envelope for Lot 43 must be approved by the Director of Environmental Health prior to the recording of the final map. (Environmental Health)
105. That all lots shall require a 20 foot rear yard setback. (Planning and Building Inspection)
106. A deed restriction shall be placed on each lot that "No garbage disposal or water softeners that discharge into the septic system shall be allowed without the prior approval of the Monterey County Department of Public Works." (Public Works)
107. Prior to the issuance of any grading or building permit for any of the three market rate lots, or for the inclusionary housing and/or septic system, a botanical survey shall be conducted pursuant to the Department of Fish and Game guidelines. Species of particular importance include the Pacific Grove Clover, (*Trifolium polyodon*); Hickman's Onion (*Allium Hickmanii*); and another clover (*Trifolium buckwestorium*).
 - a) Should any sensitive species be identified on the project site, the project proponent shall identify appropriate mitigation including avoidance, remediation over time, set aside of compensating habitat and/or enhancement of suitable habitat.
 - b) Should the Pacific Grove Clover (*Trifolium polyodon*) be found to occur on the project site, the project proponent shall develop a mitigation plan that will be incorporated into a mitigation agreement with the Department of Fish and Game.
 - c) Should the project be included in the City's sewer system, eliminating the need for leach fields, and sensitive species be found on the site of the leach fields, the area shall be set aside in perpetuity through a vehicle such as a conservation easement that restricts activities that have the potential to degrade the site, subject to the approval of the Department of Fish and Game.
 - d) Should any sensitive species be identified on any of the market rate lots, mitigation shall be identified that would avoid impacts to sensitive resources, subject to the approval of the Department of Fish and Game. Measures could include identification of building envelopes and/or conservation easements.
 - e) A note shall be placed on the final map that identifies the

need for the above surveys prior to issuance of building or grading permits. (Department of Fish and Game)

108. That all cut, fill and/or building foundations shall be located a minimum of 6 feet away from the trunk of any tree six inches in diameter or larger. (Planning and Building Inspection)
109. Trimming of limbs on trees which are to be preserved (and removal of designated trees) shall be done in a manner consistent with the approved forest management plan and under the direction of a forester. Upon completion of tree trimming and tree removal, all trees within the construction area shall be fenced with 4 foot high fencing, rigidly supported and maintained throughout the construction period. Fencing shall be installed at the dripline when possible. However, if approved construction is to occur within the dripline, the fencing can be located to a position no closer than 6 feet from any tree trunk 6" (inches) in diameter or greater. Fencing shall be installed prior to the issuance of any building or grading permit and after the tree trimming and removal is accomplished. (Planning and Building Inspection)
110. All utility and drainlines shall be located no closer than six feet of any tree trunk, and preferably outside the root zone of all trees to be preserved. Where work must be done within the root zone, the following construction practices are required subject to the approval of the Director of Planning and Building Inspection:
 - a. All utility conduit, pipe, wire and drainlines shall be tunneled under major roots (defined as roots in excess of two inches in diameter), using hand trenching or other method necessary to avoid tearing or other damage to major roots.
 - b. Exposed major roots shall be cut with a saw to form a smooth surface and avoid tears or jagged edges.
 - c. Where grading exposes roots, the roots shall be covered and mulched as necessary to prevent soil moisture loss.
 - d. Decks located within the dripline of trees shall be of post and beam construction to eliminate need for root pruning or removal.
 - e. On-grade patios or paving within the dripline of trees to be preserved shall be constructed of permeable materials that allow aeration and water penetration.

- f. All planting beneath existing trees must be drought tolerant.
111. Provide for a pedestrian walkway to the bus stop on Highway 68 to be approved by the Director of Public Works and Caltrans prior to recordation of the final map. (Public Works)
112. If required, increase the length of the west-bound left turn pocket subject to the approval of California Department of Transportation and the Director of Public Works. (Public Works)
113. If required, protect the left turn phasing for Olmsted Road traffic subject to the approval of California Department of Transportation and the Director of Public Works. (Public Works)
114. Prior to filing the final map for the Monterra Ranch inclusionary housing subdivision, Developer shall enter into an agreement with the County amending the Timeline agreement (recorded on September 29, 1992 beginning at Reel 2851, page 848 with the Office of the Monterey County Recorder) to require that the inclusionary housing units be constructed and ready for occupancy within four (4) years after recordation of Phase I of the Monterra Ranch Subdivision. Said amendment shall also prohibit the sale of any market rate lot within any phase of the Monterra Ranch Subdivision until the Monterra Ranch inclusionary housing subdivision is filed and recorded and bonding is obtained to cover the costs of constructing the inclusionary housing units. Bonding shall be in a form and amount as required by Government Code sections 66499 et seq. and approved by the Department of Public Works and County Counsel. (County Counsel)
115. That the applicant shall submit, at the applicant's expense, a report describing the existing sewer infrastructure, any infrastructure improvements necessary, cost estimates of any improvements, and a determination of any easements, permits, connection fees, annexations or other items required to allow connection of the project to the Regional Water Pollution Control Agency via the City of Monterey. If this report determines connection is feasible and acceptable to the City of Monterey, the inclusionary housing shall be connected to the Regional Water Pollution Control Agency. (Environmental Health)
116. That the applicant prepare a plan to provide safe passage across Olmsted Road for school age children going to and from Foothill School subject to the approval of the Director of Planning and Building Inspection and the Director of Public Works. (Planning and Building Inspection)

117. That a fire break be established and maintained along the property boundary of Lot 43 and the Foothill School property subject to the approval of the Chief of the Salinas Rural Fire Protection District and the Director of Planning and Building Inspection. (Planning and Building Inspection)
118. Pursuant to the State Public Resources Code and the State Fish and Game Code, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid prior to filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to commencement of use or the issuance of building and/or grading permits. (Planning and Building Inspection)

Upon a motion of Supervisor Johnsen, seconded by Supervisor Salinas, by the following vote, to-wit:
AYES: Supervisors Salinas, Shipnuck and Johnsen.
NOES: Supervisors Perkins and Karas.
ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page _____ of Minute Book 67, on December 14, 1993
Dated: December 14, 1993

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

By ²¹ Nancy Lukerbill Deputy