

Table of Contents of Documents		
1	August 2000	Sample of Oaks' well shows arsenic level is 35 ppb (parts per billion).
2	May 8, 2001	<p>Board of Supervisors approves vesting tentative map for Oaks subdivision, subject to conditions of approval. (Resolution No. 01-197)</p> <p>Condition 34 provides: "Prior to the recordation of the final map, the subdivider shall provide a signed written agreement between the subdivider and Ambler Park Water Utility (APWU) requiring: a) the subdivider to convey a newly constructed well complete with water distribution infrastructure and fire flow water supply; and b) APWU to operate the system as a satellite or stand alone system providing domestic and fire flow water supply to the subdivision in accordance with title 22 and the California Public Utility Commission standards. The total costs for item "a" is to be born [sic] by the developer and not APWU or its customers. If at any point in the future, the Toro B-8 zoning overlay is removed, and this stand alone system is to be consolidated with any other system, pumping of water (produced by this well) outside of Monterey County Water Resources Agency zones 2 & 2A is prohibited except in the case of emergency." [timing column: Prior to Recording Final Map]</p> <p>Condition 35 provides: "Design the water system improvements to meet the standards as found in Title 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements and any associated fees to APWU for review and approval prior to installing (or bonding) the improvements. Provide evidence that APWU has reviewed and approved the plans. Applicant shall pay all Land Use review fees prior to filing the final map." [timing column: Prior to Recording Final Map]</p>
3	February 22, 2002	Federal Maximum Contaminant Level (MCL) for arsenic at 0.010 mg/L (10 ppb) goes into effect, replacing old standard of 50 ppb. Federal rule provides for 5-year implementation period, with compliance required by January 23, 2006.
4	July 22, 2003	Board of Supervisors approves three-year extension of the tentative map.
5	September 10, 2003	Environmental Health Department advises applicant's attorney that staff has reviewed documents submitted by the applicant for conditions 34, 35, and 36 and staff has not cleared the conditions. Staff requests revisions to the draft agreement submitted for condition 34 and additional information and documentation.
	January 23, 2006	Date that federal regulation requires compliance with federal MCL standard for arsenic [see document under number 3 above]
6	January 24, 2006	Applicant (Bollenbacher and Kelton, Inc.) submits to John Hodges of Environmental Health a copy of letter dated September 2005 to Environmental Health. The September 2005 letter submits two documents to demonstrate compliance with conditions 34 and 35. For condition 34,

		applicant submits a revised memorandum of agreement executed in October 2004 by Cal Am and applicant whereby applicant agrees to construct a well and water distribution system for the subdivision and to convey same to Cal Am (Cal Am had acquired the Ambler Park Water Utility referenced in condition 34). For condition 35, applicant submits a letter dated March 26, 2004 from Cal Am to Environmental Health stating that Cal Am has reviewed and approved the plans, dated February 2004, for the Oaks Subdivision Water System.
7	January 31, 2006	Environmental Health staff notifies Planning staff that condition 34 has been satisfied and condition 35 has been satisfied except for posting of the bond for subdivision improvements. Environmental Health staff requests Public Works staff to inform him when subdivision improvements have been bonded.
8	April 3, 2006	Department of Public Works receives application by Ferrini Oaks, LLC for encroachment permits to install 4" and 8" water lines and sewer line in County roadways for Oaks subdivision
9	June 20, 2006	Board of Supervisors accepts the final map for Oaks subdivision and directs Chair of the Board of Supervisors to sign the Subdivision Improvement Agreement, among other related actions. Staff report advises Board that applicant has met all conditions of approval.
10	June 29, 2006	County issues four encroachment permits to Ferrini Oaks, LLC for work in County roadways, including permit to allow excavation of trench on San Benancio Road to install water mains per attached plans titled "Oaks Subdivision Water System." The plans show both the 8" and 4" mains. The 8" main is the line from Ambler to the Oaks lots, and the 4" main is the raw water main from the Oaks well to the Ambler treatment plant. Evidence shows that both 8" and 4" water mains have been installed.
11	June 30, 2006	Final map is recorded at Vol. 23, Cities and Towns, page 32, in the Office of the Recorder of the County of Monterey.
12	August 2006	Work in roadway begins. County halts work to investigate complaints that water lines are being installed to run between Ambler treatment plant and the Oaks well. Work allowed to proceed based on staff understanding that water from Ambler treatment plant and water from Oaks well will be in balance. General Manager of Monterey County Water Resources Agency (MCWRA) informs applicant's attorney that work does not violate Zone 2C on the understanding that the water from the Oaks well will be treated at the Ambler treatment plant and returned in dedicated lines. Staff understanding is that raw water from the Oaks well and the treated water will be in balance; staff confirms with Cal Am that meters are being installed and seeks a reporting mechanism to monitor and ensure the water balance transfer.
13	October 20, and November 3, 2006	Letter from Cal Am to MCWRA in which Cal Am commits to quarterly monitoring of: 1) the production records from the new Ambler Oaks well; and 2) the water consumption as recorded by Cal Am water meters for the 9 lots in the Ambler Oaks subdivision. Cal Am commits to provide records to MCWRA on a quarterly basis, with such monitoring to begin as

		soon as the first property is ready for a water service connection. MCWRA informs Environmental Health that Cal Am's commitment satisfies MCWRA's concern about exportation of Salinas basin groundwater.
14	February 26, 2008	Board of Supervisors accepts the Oaks Subdivision improvements as complete and releases performance bonds based on certification that improvements have been completed in conformance with the approved improvement plans.
15	April 1, 2009	Three of the lots have been transferred into individual ownership and building permits finalized for single family dwelling on those lots (APNs 161-013-005, 161-013-008, and 161-013-009)
16	September and October 2010	Environmental Health informs Cal Am that per the conditions of approval for the Oaks subdivision, water from the B-8 zone cannot be used to supply an area outside B-8 boundaries; that water from the Oaks well must be metered to the Ambler treatment facility, treated for arsenic, and metered back to Oaks on a one to one basis; that Cal Am will operate the Oaks system as a stand-alone system; and that Cal Am will be required to submit quarterly reports of meter readings to Environmental Health for review
17	October 10, 2010	Planning staff places hold on occupancy or final or construction permit for vacant lots in the Oaks subdivision.
18	February 3, 2011	Letter to Ferrini Oaks, LLC (owner of the six remaining lots) informing owner of the potential code violation and hold on building permits due to Cal Am's water service to the Oaks without a corresponding transfer of water from the Oaks well to Cal Am and due to pending PUC proceeding challenging Ambler service to the Oaks.
19	September 12, 2011	Decision Resolving Complaint issued by PUC in The Highway 68 Coalition v. California American Water (Case 10-08-022). PUC denies the complaint. Findings of fact include: "Cal Am proposes to pump water from the annexed territory, treat the water at the Ambler Park water treatment plant, and then return the same quantity of water back to the annexed territory" and "In 2006, Cal Am agreed to monitor water production and consumption in the Ambler Oaks subdivision, and to make quarterly reports to the County." (finding nos. 7 and 12, at page 14.)
20	March 2012	In response to inquiry from Mike Weaver, County Resource Management Agency informs Mr. Weaver that County staff has determined that the subdivision is not in violation of conditions but County is working with Cal Am to address and enforce County's requirement of no net import/export of water from the County's B-8 zone such that the amount of water drawn from the Oaks well would be equal to the amount of water treated and supplied to the Oaks subdivision by the Ambler Park water treatment plant. Letter states that County and Cal Am anticipate entering into an MOU, and staff intends to bring the MOU to the Board of Supervisors for its consideration in open session.

Technical Memorandum.

Subject: Well Construction and Testing Summary –
“The Oaks” Well , San Benancio Canyon Road

Date: August 12, 2000

Introduction

This memorandum documents the construction of a water well at “The Oaks” property on San Benancio Canyon Road near Highway 68 in the County of Monterey. The property is currently undeveloped. The well was constructed as the supply well for a small water system that is proposed to serve new housing planned at the site. The well was constructed and tested in June 2000.

Background

The feasibility of the well and preliminary design for the well was the subject of a previous technical memorandum prepared by this author in February 22, 2000 (included with this document). Specifications for well construction were developed and Roy Alsop Pump and Drilling, Inc. of Salinas (Contractor) was selected to construct the well.

Methods

The well was drilled between June 15 and June 24, 2000. The well was constructed utilizing a Schramm RotaDrill rotary drill rig owned and operated by the Contractor. The well was constructed utilizing direct rotary methods and a drilling fluid of bentonite and water. Pilot hole was 6 ¼-inches in diameter and the reamed drill hole was 10 5/8-inches in diameter. During drilling, samples of drill cuttings and produced fluids were collected and analyzed by an on-site geologist.

Hydrogeology

The well bore encountered interbedded sand, gravel and clay deposits of Plio-Pleistocene age Paso Robles Formation to a depth of approximately 410 feet. Underlying these materials is the clean coarse-grained sandstone assigned to the Late Miocene Santa Margarita Formation. The pilot boring was extended in the Santa Margarita Formation to a depth of 450 feet to confirm stratigraphic relationships. Upon completion of drilling, the well was geophysically logged by

OIL CONTROL LAB

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CALIFORNIA
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USA

In any reference, please
quote Certified Analysis
Number appearing hereon.

146770-1-1650

A Division of Control Laboratories Inc.

Martin Feeney/RG
623 Taylor Street
Monterey CA 93940

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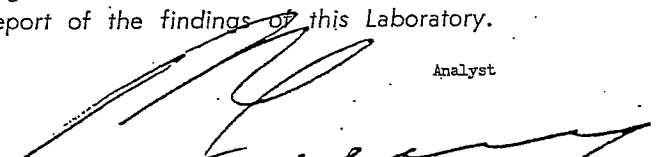
CERTIFIED ANALYTICAL REPORT

MATERIAL:	Water sample received 24 July 2000	PUBLIC
IDENTIFICATION:	Oaks Well, 7/24/00, 1115	HEALTH
REPORT:	Quantitative chemical analysis is as follows expressed as milligrams per liter:	DRINKING WATER LIMITS ¹
Arsenic (As)	0.034	0.05
Barium (Ba)	< 0.1	1.0
Boron (B)	< 0.1	-
Cadmium (Cd)	< 0.001	0.005
Chromium (Cr)	< 0.01	0.05
Copper (Cu)	< 0.05	1.0
Cyanide (CN)	< 0.05	0.2
Lead (Pb)	< 0.005	0.05
Mercury (Hg)	< 0.0002	0.002
Selenium (Se)	< 0.005	0.05
Silver (Ag)	< 0.005	0.1
Zinc (Zn)	0.7	5.0
MBAS (Surfactants)	< 0.02	0.5
Aluminum (Al)	< 0.1	1.0
Antimony (Sb)	< 0.006	0.006
Beryllium (Be)	< 0.001	0.004
Nickel (Ni)	< 0.01	0.1
Thallium (Tl)	< 0.001	0.002
Nitrite (as NO ₂)	< 0.5	-

¹ California Administrative Code;
Title 22

The undersigned certifies that the above is a true and
accurate report of the findings of this Laboratory.

Analyst



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

RESOLUTION NO. 01-197

Resolution Approving a Standard)
Subdivision Vesting Tentative Map for)
Bollenbacher and Kelton (PC94170))
San Benancio area)

The matter of a Standard Subdivision Vesting Tentative Map for Bollenbacher and Kelton (File No. PC94170) came before the Board of Supervisors after being considered at Public Hearing before the Board of Supervisors on October 27, 1998, which resulted in the Board requiring the preparation of an Environmental Impact Report, and at subsequent hearings on January 9, and January 30, 2001, and

WHEREAS, the Board of Supervisors, pursuant to regulations established by local ordinance and State law, considered at a public hearing, said Standard Subdivision Vesting Tentative Map for property located on a portion of Lot C of Lot 4, Assessor's Map of El Toro Rancho, fronting on and northeasterly of San Benancio Road and fronting on and southeasterly of State Highway 68, south of the San Benancio School (Assessor Parcel Number 161-011-078-000) in the San Benancio area, on May 8, 2001, and

WHEREAS, said Standard Subdivision Vesting Tentative Map consists of the division of an existing 325.7-acre parcel into 9 residential lots ranging in size from 1.7 to 13.6 acres and a remainder parcel of 285.7 acres, and

WHEREAS, the Board of Supervisors, having considered the application and the evidence presented thereto, and the original negative declaration and initial study filed on December 7, 1997, and having considered the Final EIR with mitigation measures completed on November 27, 2000, certifies the Final EIR and adopts the mitigation monitoring program, and approves said Standard Subdivision Vesting Tentative Map, and makes the following findings in support of its decision:

**FINDINGS FOR CERTIFICATION OF THE
ENVIRONMENTAL IMPACT REPORT**

1. **FINDING:** A Notice of Preparation for the Standard Subdivision Vesting Tentative Map EIR was circulated to State, regional, and local agencies and to interested community organizations and individuals and a 30 day comment period established providing such agencies and individuals an opportunity to identify issues and concerns to be addressed in the Draft EIR;

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01.
2. **FINDING:** Each topic identified in Board of Supervisors Resolution No. 94-438, all concerns expressed in appropriate comments following publication of the Notice of Preparation, and all relevant aspects of previous environmental analysis affecting the subject property and referenced in the FEIR were compiled and addressed in the manner required by CEQA;

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01.
3. **FINDING:** The resulting Draft EIR was made available and circulated for review and comment by the public and other interested parties, agencies and individuals for a period of 45 days and notices of completion and availability were issued and published to ensure the adequacy of public review in the manner required by CEQA;

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01.
4. **FINDING:** Following the expiration of the 45-day public review period, comments on the adequacy of the Draft EIR were obtained, appropriate responses to each comment were prepared and published and the Draft EIR modified as necessary in response to such comments received as indicated in the Final EIR;

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01.
5. **FINDING:** The Board of Supervisors has provided an opportunity for public review and comment on the Final EIR and responses to comments have been prepared and were reviewed by the Board of Supervisors on January 9, and January 30, 2001. These responses include changes by County staff regarding the cumulative impact section related to traffic. The Board recognizes that cumulative impacts have been identified and also that mitigations are identified to bring cumulative impacts below a level of significance and are incorporated into the project's conditions of approval and the Board adopted Mitigation Monitoring Plan.

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01; Finding #9 below.
6. **FINDING:** The Final Environmental Impact Report and Mitigation Monitoring Program have been completed in compliance with the California Environmental Quality Act (CEQA).

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01.
7. **FINDING:** The Final Environmental Impact Report reflects the Board of Supervisor's independent judgment.

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01.

8. FINDING: The Board of Supervisors reviewed and considered the information in the Final EIR and Mitigation Monitoring Program before approving the Oaks Standard Subdivision Vesting Tentative Map.

EVIDENCE: Administrative record in File No. PC 94170; record of hearings; EIR #99-01.

9. FINDING: The following changes or alterations have been required in and incorporated into the project which substantially lessen the significant environmental effects identified in the Final EIR to a level of insignificance:

Geologic and Geotechnical Hazards Mitigation #s 2 thru 7 - FEIR— Development of the proposed project has the potential to result in significant impacts associated with debris flow from slopes adjacent to the proposed building sites. The applicant is required to design and identify the location of debris flow walls prior to recordation of the final map of the proposed subdivision. This mitigation is shown as Condition #20 of project approval contained in the draft resolution.

Drainage Mitigation #1 - FEIR - Development of the proposed project has the potential to result in significant impacts associated with surface water flow to include debris flow. The FEIR discusses mitigations involving improvements and conditions to address drainage including a drainage plan and landscaping and erosion control requirements (These mitigations are shown as Conditions #10, 11, 12, 21, 34, 39, 40, 41, 44 of project approval contained in the draft resolution). To address the debris flow issue, one of these conditions (Condition #18) requires the elevation of future residential units on the proposed lots to be determined based on a recommendation and further analysis by a qualified engineer, prior to filing of the final map. In addition a new mitigation (Condition #20) has been added to require the applicant to obtain a Storm Water Pollution Prevention Plan from the Central Coast Regional Water Quality Control Board. This plan requires the development and implementation of storm water “Best Management Practices” to control runoff, erosion and sedimentation from the project site.

Traffic and Circulation Mitigation # 8-10 FEIR- The traffic analysis contained in the FEIR concludes that project specific impacts are less than significant but that cumulative impacts are significant since the project contributes 8 morning peak hour trips and 11 evening peak hour trips to a LOS F peak hour condition on Highway 68. To address the cumulative impacts, two mitigations (Conditions 30 & 31 of project approval contained in the proposed resolution) are identified to bring impacts below a level of significance: 1) to re-stripe the intersection of San Benancio Road and Casa La Cumbre Road southbound approaches to include a shared left turn/through lane and right turn lane, and 2) to construct a northbound right turn overlap phasing at the intersection of San Benancio Road and Highway 68. In addition, the applicant has agreed to provide additional mitigation above and beyond that required to reduce impacts below a level of significance by paying a fair share contribution based on area development towards improvements to the Highway 68 Corridor that are or will be contained in the State Highway 68 Traffic Improvement Advisory Committee Report to be considered for approval by the Board later this year.

EVIDENCE: Final EIR for the Oaks Standard Subdivision Vesting Tentative Map including the staff report and exhibits thereto dated January 9, January 30, and May 8, 2001, appendices and information on file in the Planning and Building Inspection Department pertaining to File PC94170.

10. FINDING: After considering all the evidence, both oral and documentary, contained in the record, the Board of Supervisors hereby finds that the conditions of approval required for this project eliminate or substantially lessen all significant impacts on the environment to less-than significant levels. There are no alternatives consistent with the purpose of the project that would mitigate this impacts to less-than significant levels.

EVIDENCE: Final EIR for the Oaks Standard Subdivision Vesting Tentative Map including the staff report and exhibits thereto dated January 9, January 30, and May 8, 2001, appendices and information on file in the Planning and Building Inspection Department pertaining to File PC94170.

FINDINGS AND EVIDENCE FOR THE STANDARD SUBDIVISION VESTING TENTATIVE MAP

11 . FINDING: The proposed Standard Subdivision Vesting Tentative Map is consistent with the Toro Area Plan, which designates this property as “Low Density Residential 5-1 Acres per Unit” and “Resource Conservation 10-160 Acres per Unit.”

EVIDENCE: The proposed project consists of the division of an existing 325.7-acre parcel into 9 residential parcels, ranging in size from 1.7 acres to 13.6 acres, and a remainder parcel of 285.7 acres. The residential lots would be located in an approximately 40-acre portion of the property; approximately 11.7 of the 40 acres are designated as “Low Density Residential 5-1 Acres per Unit” and approximately 28.3 acres are designated as “Resource Conservation 10-160 Acres per Unit.”

EVIDENCE: The 9 proposed residential lots contain building sites located within portions of the approximately 11.7 acres designated as “Low Density Residential 5-1 Acres per Unit”. Development in the proposed lots would result in a density of approximately 1.3 acres per unit, which complies with this land use designation.

EVIDENCE: The Board of Supervisors has, as part of the approval of the project, assigned zoning classifications to designate portions of the property as “LDR/B-6-D” (Low Density Residential, / Building Site Review – Design Control), to designate portions of the property as “LDR/B-6-D- (24’)” (Low Density Residential, / Building Site Review – Design Control – 24 Foot Maximum Height) and to designate portions of the property as “RC/B-6-D” (Resource Conservation / Building Site Review – Design Control). These zoning designations comply with the property’s land use designation under the land use plan of the Toro Area Plan.

12. FINDING: Development of the proposed subdivision will not adversely affect the natural scenic beauty of the area.
- EVIDENCE: Based on field review of potential visual impacts from residential development on the proposed building areas, staff recommended that future development on proposed lot Nos. 1, 4 and 9 be subject to a 24-foot height limitation, in order to minimize visual impacts along San Benancio Road and to maintain the natural characteristics and visual integrity of the views of the site. This zoning designation is reflected in the overall zoning of the property adopted by the Board of Supervisors as part of the approval of the project.
13. FINDING: The site of the proposed project is physically suitable for the type and density of the development proposed.
- EVIDENCE: The proposed subdivision provides for adequate building sites as evidenced by the application material submitted for the project, as well as changes implemented to the original proposal and adoption of the recommended mitigation measures and conditions of approval.
- EVIDENCE: Various technical reports submitted for the project and review of the application by the appropriate County agencies.
14. FINDING: The proposed Standard Subdivision will not result in any significant environmental impacts.
- EVIDENCE: The Environmental Impact Report (EIR # 99-01) prepared for the project identified potentially significant cumulative impacts from the proposed project on existing traffic conditions and potential impacts from debris flow on the proposed residential lots. The Environmental Impact Report recommended mitigation measures, which would bring these potential impacts to less-than significant levels. These mitigation measures have been incorporated into the Mitigation Monitoring Plan required by the Public Resources Code.
- EVIDENCE: An Initial Study was prepared for the project and a Negative Declaration filed on December 5, 1997. The initial study did not identify any potentially significant impacts not identified in the Environmental Impact Report prepared for the project.
15. FINDING: The design of the proposed subdivision will not cause serious public health problems.
- EVIDENCE: The project was reviewed by the Division of Environmental Health, which requires the subdivider to convey to the Ambler Park Water Company (APWU) the water system for the subdivision; and that APWU operate the system as a satellite or stand alone system providing domestic and fire flow water supply to the subdivision in accordance with Title 22 and California Public Utility Commission standards.
16. FINDING: In considering the tentative map, the Board of Supervisors has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.
- EVIDENCE: The applicant is required, as a condition of approval, to comply with the Monterey County Inclusionary Housing Ordinance prior to filing of the final map.

17. FINDING: The property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, or any other applicable provisions of Title 21 or any zoning violation abatement costs have been paid.
- EVIDENCE: Staff verification of Planning and Building Inspection records.
18. FINDING: For the purposes of the Fish and Game Code, the project has the 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 result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Staff has determined that the proposed subdivision could result in changes to resources which are indicated in Section 753.5(G), "All air and water resources and the degradation of which will individually or cumulatively result in the loss of biological diversity among plants and animals residing in air or water."
19. FINDING: The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
- EVIDENCE: The subject property is privately owned and no easements of record or easements established by judgment of a court of competent jurisdiction, which grant the public at large a right of access to, or use of property within the proposed subdivision, exist.
20. FINDING: The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.
- EVIDENCE: Staff has reviewed the project and has determined that the lot configurations on the project site permit the orientation of structures in an east-west alignment for southern exposure and permit the orientation of structures to take advantage of prevailing breezes from the west. Consideration has been given to local climate, the contours of the parcel to be divided, and to other design and improvement requirements.
21. FINDING: The establishment, maintenance or operation of this subdivision 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 subdivision or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE: This project has been reviewed by the Monterey County Public Works Department, Environmental Health Division, Parks Department, Water Resources Agency, and the Salinas Rural Fire Protection District. Appropriate conditions of approval have been placed on the project by these departments and agencies to insure the public health and safety and orderly development of the surrounding area.

THEREFORE, it is the decision of the Board of Supervisors to certify the Environmental Impact Report for the project, to approve the Mitigation Monitoring Program (attached hereto as Exhibit "A") and to approve said Standard Subdivision Vesting Tentative Map as shown on the attached sketch, subject to the following conditions:

Planning and Building Inspection Department

1. The proposed project consists of a Standard Subdivision Vesting Tentative Map for the division of an existing 325.7-acre parcel into 9 residential parcels, ranging in size from 1.7 acres to 13.6 acres, and a remainder parcel of 285.7 acres and approximately 1,000 cubic yards of grading, in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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.
2. 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/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, or 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.
3. The applicant shall record a notice which states: "A Standard Subdivision Vesting Tentative Map (Resolution No.) was approved by the Board of Supervisors for Assessor's Parcel Number 161-011-078-000 on May 8, 2001. The permit was granted subject to 71 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to filing of the final map.
4. Utility easements for water lines for each parcel shall be indicated on the map.
5. The applicant shall comply with the requirements of the Inclusionary Housing Ordinance prior to filing of the final map.
6. All new utility and distribution lines shall be placed underground.

7. If archaeological resources or human remains are discovered during construction, work shall be halted within 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.
8. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$875.00. This fee shall be paid on or before the 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 the recordation of the Final Map. The project shall not be operative, vested or final until the filing fees are paid.
9. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08.
10. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection.
11. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning Building Inspection.
12. 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 include a landscaping plan pursuant to County requirements. This program shall be approved by the Director of Planning and Building Inspection.
13. 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.
14. A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "A 24-foot Height Restriction applies to lot Nos.: 1, 4 and 9." The note shall be located in a conspicuous manner subject to the approval of the Director of Planning and Building Inspection.
15. A Scenic Easement shall be conveyed to the County in perpetuity over those portions of the residential lots and portions of the remainder parcel where the slope exceeds 30% as well as the areas designated as "Former Lot 1" and "Former Lot 11" in the Vesting Tentative Map as revised on March 14, 2001. A Scenic Easement Deed shall be submitted for review and approval by the Director of Planning and Building Inspection.
16. Building envelopes shall be designated in lots 1, 2, 3, 4, 6, 7, 8 and 9 for the purpose of minimizing oak tree removal and potential impacts from debris flow, subject to the approval of the Director of Planning and Building Inspection.
17. A note shall be placed on the final map or a separate sheet to be recorded with the final map which states: "No grading, construction of structures and/or roads (except as in accordance with the recorded subdivision map) or vegetation removal may take place outside of the building envelopes in lots 1, 2, 3, 4, 6, 7, 8 and 9."

18. Development of residential units in the proposed subdivision shall include construction of debris wall, or walls, of dimensions appropriate for each unit. The design and location of the walls shall be determined based on recommendations from individual geotechnical reports to be approved by Planning and Building Inspection and the Water Resources Agency prior to recordation of the final map. The parameters for the preparation of these individual geotechnical reports and the general location of the debris flow walls shall be included in the Final Map. These reports shall also contain an analysis of the earth materials underlying each of the proposed homesites and provide foundation criteria particular to each site. For consistency, the geotechnical reports prepared for the individual lots shall be prepared by the same consultant. The applicant shall enter into an agreement with the Water Resources Agency to bond construction of the debris flow walls. A notice shall be recorded for each individual lot in the subdivision stating, "Construction of the debris flow wall required as a condition of approval of the Oaks Subdivision (File No. PC94170) for this lot, shall be completed prior to issuance of final occupancy."
19. A note shall be placed on the Final Map or a separate sheet to be recorded with the Final Map which states: "Construction of all habitable structures and debris flow walls within the lots in the subdivision, shall be in conformance with the recommendations of all geotechnical and geologic reports identified in Environmental Impact Report No. 99-01 and shall be based on the recommendations of the geotechnical reports prepared for the individual lots."
20. Prior to obtaining a grading permit for any site work the applicant shall submit a notice of intent to the Central Coast Regional Water Quality Control Board.
21. The applicant shall enter into an agreement with the County to implement the Mitigation Monitoring Plan adopted for the project.
22. Any tree removal on the 40-acre portion of the property covered under the proposed subdivision, either before or after recordation of the Final Map, shall be conducted in accordance with the content and recommendations of the Forest Management Plan prepared by Hugh Smith for the project, dated May 21, 1994, as well as the mitigation measures identified in Section 8 of the Initial Study prepared for the application and contained in File No. PC94170. A note shall be placed in the Final Map stating "All tree removal on the 40-acre portion of the property covered under the subdivision, shall be conducted in accordance with the Forest Management Plan prepared for the project by Hugh Smith and dated May 21, 1994, and in accordance with all applicable requirements of Chapter 21.64.260 of the Zoning Ordinance." Additionally, a Notice shall be recorded for each individual lot stating "Any tree removal on this lot shall be conducted in accordance with the Forest Management Plan prepared for the project by Hugh Smith and dated May 21, 1994, and in accordance with all applicable requirements of Chapter 21.64.260 of the Zoning Ordinance." As a general rule, all oak tree removal necessary for development improvements shall be minimized to the maximum extend possible.

Public Works Department

23. The Subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company and Pacific Bell. Utility companies shall submit their recommendations, if any, to the Director of public Works for all required easements.
24. All natural drainage channels shall be designated on the final map by easements labeled "Natural Drainage Easements."

25. Where cut or fills at property line exceed 5' driveways shall be rough graded in when streets are rough graded, and positive drainage and erosion control shall be provided.
26. All roads within this subdivision will be private roads.
27. All proposed road names must be approved by County Communications.
28. The private road easements shall be 50' wide and paved to a width of 18' including drainage control or as approved by the Salinas Rural Fire Protection District. Road improvements shall include tapers on San Benancio Canyon Road as required by the Department of Public Works to insure adequate sight distance.
29. The location of all driveways and roads to San Benancio Canyon Road shall be approved by Public Works to insure adequate sight distance in accordance with prevailing speeds. This may include trimming existing vegetation on the inside of the curve and construction of modified tapers to San Benancio Canyon Road.
30. The developer shall make the following road improvements prior to occupancy of the first dwelling unit to address cumulative impacts:
 - a. restripe San Benancio Road northbound and the Casa La Cumbre southbound approaches to include a shared left turn/through lane and right turn lane;
 - b. construct a northbound right turn overlap phasing on San Benancio Road at Highway 68.
31. Prior to issuance of building permits, the applicant shall pay a traffic impact fee of \$15,000 per lot. These funds shall be used by the County to construct either:
 - a. improvements identified at the intersection of Highway 68 and Corral de Tierra identified in the State Highway 68 Traffic Improvement Advisory Committee Report dated July 10, 2000; or
 - b. other highway improvements included in an action plan for Highway 68 improvements adopted by the Board of Supervisors, subject to approval by the Public Works Department.
32. Dedicate to County a 1' non-access strip along entire frontage of San Benancio Canyon Road except for approved openings, exclusive of the remainder parcel.
33. The applicant shall place an asphalt lining on the existing ditch located on the east side of San Benancio Road, subject to the approval of the Director of Public Works.

Division of Environmental Health

34. Prior to the recordation of the final map, the subdivider shall provide a signed written agreement between the subdivider and Ambler Park Water Utility (APWU) requiring: a) the subdivider to convey to APWU a newly constructed well complete with water distribution infrastructure and fire flow water supply; b) APWU to operate the system as a satellite or stand alone system providing domestic and fire flow water supply to the subdivision in accordance with Title 22 and California Public Utility Commission standards. The total costs for item "a" is to be born by the developer and not APWU or it's customers. If at any point in the future, the Toro B-8 zoning overlay is removed, and this stand alone system is to be consolidated with any other system, pumping of water (produced by this well) outside of Monterey County Water Resources Agency zones 2 & 2A is prohibited except in the case of emergency.

35. Design the water system improvements to meet the standards as found in Title 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements and any associated fees to APWU for review and approval prior to installing (or bonding) the improvements. Provide evidence that APWU has reviewed and approved the plans. Applicant shall pay all Land Use review fees prior to filing the final map.
36. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation or bonding and prior to filing of the Final Map.
37. The sewer system improvements and any appurtenances shall be installed, or bonded, to and within the subdivision prior to filing the final map.

Water Resources Agency

38. A notice shall be recorded on the final map for the remainder parcel of 285.65 acre stating that, "The property is located within or partially within a floodplain and may be subject to building and/or land use restriction." A copy of the recorded notice shall be provided to the County Water Resources Agency.
39. A notice shall be recorded on the final map that there are "Areas on the 285.65 remainder parcel, subject to inundation by the 100-year flood as shown on federal flood boundary Maps by FEMA".
40. A drainage plan addressing on-site and off-site impacts shall be prepared by a registered civil engineer. It shall incorporate the findings and recommendations in the Foxx, Nielsen & Assoc. "Geologic Report 'The Oaks' subdivision", dated June 1994; the findings and recommendations in the "Engineering Geologic Report, Preliminary Soils Report and Percolation Study" by Sampson Engineering dated June 30, 1994; and the findings and recommendations in the "Supplemental Geologic Investigation and Geotechnical Investigation", also by Sampson Engineering, dated May 3, 1997. Special attention shall be given to those portions of the reports dealing with debris flow, drainage and erosion hazards. Necessary improvements shall be constructed in accordance with approved plans and shall comply with all requirements of Condition No. 18.
41. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculation system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.
42. Prior to the conveyance of any lots in the subdivision, the applicant shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements, fire hydrants, and debris flow walls installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, the responsibility for each lot conveyed shall shift to the succeeding owner. The applicant's obligation shall continue on the remaining lots not yet conveyed. An agreement to this effect, running

with the land, shall be recorded between applicant and the County of Monterey prior to recordation of the Final Map.

43. Natural drainage shall be routed around proposed development and in a way that it does not impact downslope development, in accordance with plans by a registered civil engineer or architect.
44. A homeowners agreement shall be entered into for the maintenance of roads, drainage facilities, debris flow walls and open spaces. The agreement shall include a statement that "the road and drainage maintenance agreement provide that delinquent assessments be a lien on the property of the delinquent member. That no amendments or alterations of or change or addendum to the agreement shall have any force or effect unless and until approved by the Board of Supervisors." The Agreement 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 of Final Map. C.C. & R.'s shall include provisions for a yearly report by a registered civil engineer, and the monitoring of impacts of drainage and maintenance of drainage facilities and debris flow walls. The report shall be reviewed and approved by the County Water Resources Agency.
45. The homeowners' agreement shall include a provision that if after notice and hearing the homeowners fails to properly maintain, repair or operate the drainage and flood control facilities and debris flow controls 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 and debris flow walls in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. The agreement to this effect shall be entered into concurrent with the filing of the final map of the first phase of the subdivision.
46. In accordance with Monterey County Water Resources Agency Water Conservation Ordinance No. 3539, or as subsequently amended, the C.C.&R.'s shall contain provisions that: all new construction incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; 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; leak repair is the property owner's responsibility; vehicle and building washing shall use hoses equipped with shutoff nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain.
47. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant.

Salinas Rural Fire Protection District

48. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access.
49. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus.

50. Each dead-end road shall have a turnaround constructed at its terminus.
51. Size of letters, numbers and symbols for street and road signs shall be a minimum 4 inch letter height, 1/2 inch stroke, and shall be a color that clearly contrasts with the background color of the sign. All numerals shall be Arabic.
52. A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed at the following locations:
 - a. At the intersection preceding the traffic access limitation, and
 - b. No more than 100 feet before such traffic access limitation.
53. That a note be placed on the final map or a note be recorded at the time of recordation of the final map which requires that the buildings shall be fully protected with automatic sprinkler systems. The following notation is required on the plans when a building permit is applied for: "The building shall be fully protected with an automatic fire sprinkler system. Fire sprinklers shall be installed in attached garages. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four(4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough in inspections must be completed prior to requesting a framing inspection."
54. The fire flow for this subdivision is based on the Uniform Fire Code Appendix 111-A (Fireflow Requirements for Buildings)
 - a. Fire flow shall be 1000 gallons per minute with a residual pressure of 20 psi.
 - b. Hydrant outlets shall include one 4-1/2 inch and one 2-1/2 inch and one NST outlets.
 - c. Fire hydrant location and distribution shall be in accordance with Appendix III-B of the Uniform Fire Code.
 - d. Fire flow and hydrant spacing may be modified due to the installation of fire sprinkler systems and fire resistive roofing. Fire flow in the one and two family dwelling areas may be reduced to the rate of 500 gallons per minute with a residual pressure of 20 psi when residences are protected with automatic fire sprinklers in the residences and are built with fire resistive roofing systems (Class "A").
 - e. Hydrant Identification- Blue reflective hydrant markers are required to be installed pursuant to Public Works Department Standards (Monterey County Resolution 83-3).
55. Plans for the water system installation shall be received and approved by the Salinas Rural Fire District prior to installation. The water system shall be tested and accepted by the Salinas Rural Fire District, prior to the issuance of building permits.
56. A note shall be placed on the final map or a notice shall be recorded at the time of recordation of the final map, which requires that plans for road improvements shall be received and approved by the Salinas Rural Fire District prior to installation. Road improvements shall be inspected and accepted by the Salinas Rural Fire District, prior to issuance of building permits.

57. A note shall be placed on the final map or a notice shall be recorded at the time of recordation of the final map which states that this project is located in a very high fire hazard area, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class "A" with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel.
58. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent, unless otherwise approved by the Salinas Rural Fire District.
59. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added.
60. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface.
61. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead "T" is used, the top of the "T" shall be a minimum of 60 feet in length.
62. Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet.
63. Newly constructed or approved public and private roads and streets shall be identified in accordance with provisions of Monterey County Ordinance No. 1241. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.
64. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes.
65. Road, street and private signs required by this article shall be installed prior to final acceptance of road improvements by the County of Monterey.
66. A note shall be placed on the final map or a notice shall be recorded at the time of recordation of the final map which requires that all buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address.
67. A note shall be placed on the final map or a notice shall be recorded at the time of recordation of the final map which requires that all parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect.

68. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit.
69. A note shall be placed on the final map or a notice shall be recorded at the time of recordation of the final map which requires that before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign.
70. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards or additional requirements are mandated by local jurisdictions or local subdivision requirements.

Parks and Recreation Department

71. Applicant shall comply with the recreation requirements contained in Section 19.12.010 of Title 19 of the Monterey County Code (Subdivision Ordinance).

Upon motion by Supervisor Pennycook, seconded by Supervisor Armenta, the foregoing Findings and Decision are adopted this 8th day of May, 2001, by the following vote:

AYES: Supervisors Armenta, Pennycook, Calcagno, and Johnsen

NOES: Supervisor Potter

ABSENT: None

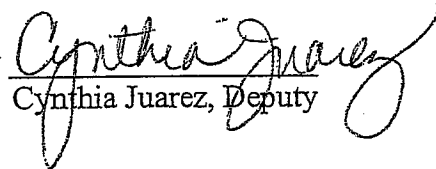


Chair of the Board of Supervisors
County of Monterey, State of California

ATTEST:

SALLY REED
Clerk of the Board

EDITH JOHNSEN, CHAIR
Monterey County Board of Supervisors

By 
Cynthia Juarez, Deputy

A COPY OF THIS DECISION WAS MAILED TO THE APPLICATION ON May 18, 2001 PROCEDURE, SECTION 1094.5. THE TIME WITHIN WHICH JUDICIAL REVIEW OF THIS DECISION MUST BE SOUGHT IS GOVERNED BY THE CODE OF CIVIL PROCEDURE, SECTION 1094.6. ANY PARTY SEEKING JUDICIAL REVIEW OF THIS FINAL DECISION MUST COMPLY WITH THE TIME LIMITS SET FORTH IN THE CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 1094.6.

**Monterey County Planning & Building Inspection Department
Condition Compliance/Mitigation Monitoring Plan**

LEGEND

Planning & Building Inspection Department - PBI

Fire Protection District = FPD

Water Resources Agency = WRA

Environmental Health = EH

Public Works = PW

Parks Department = PD

Redevelopment Agency = RA

Ag Commissioner = AC

Project Name:	OAKS RESIDENTIAL SUBDIVISION
Applicant Name:	Hollenbacher and Kelton, Inc.
Permit No.:	PC94170
APN(s):	161-011-078-000
Date Adopted:	May 8, 2001

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
1.		The proposed project consists of a Standard Subdivision Vesting Tentative Map for the division of an existing 325.7 acre parcel into 9 residential parcels, ranging in size from 1.7 acres to 13.6 acres, and a remainder parcel of 285.7 acres and approximately 1,000	PBI	N/A	N/A	N/A	N/A	

EXHIBIT "A"

LEGEND: Daily = D; Weekly = W; Monthly = M; Semi-Monthly = SM; Semi-Annually = SA; Continuous = C; Other = O

Mitigation Monitoring Matrix

Staff Assigned to Monitor:

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
1. Cont.		Condition of Approval/Mitigation Measure cubic yards of grading, in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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 specific by this permit is allowed unless additional permits are approved by the appropriate authorities.	PBI	N/A	N/A	N/A	N/A	

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2. Cont.		An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the filing of the final map, whichever occurs first. The County shall promptly notify the 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.	PBI	PBI	One Time Only	Prior to Recording Final Map		

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Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

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3.		The applicant shall record a notice which states: "A Standard Subdivision Vesting Tentative Map (Resolution No.) was approved by the Board of Supervisors for Assessor's Parcel Number 161-011-078-000 on May 8, 2001. The permit was granted subject to 71 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. Utility easements for water lines for each parcel shall be indicated on the map. Applicant shall comply with the requirements of the Inclusionary Housing Ordinance prior to filing of the final map.	PBI	PBI	One Time Only	Prior to Recording Final Map		
4			PBI	PBI/PW	One Time Only	Prior to Recording Final Map		
5.			PBI	PBI	One Time Only	Prior to Recording Final Map		

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Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

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6.		All new utility and distribution lines shall be placed underground	PBI/PW	PW	One Time Only	Prior to Recording Final Map		
7.		If archaeological resources or human remains are discovered during construction, work shall be halted within 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.	PBI	PBI	Continuous During Construction	Continuance During Construction		
8.		Pursuant to the State Public Resources Code, State Fish and Game code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$875.00. This fee shall be paid on or before the 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 recordation of the final map. The project shall not be operative, vested or final until the filing fees are paid	PBI	PBI	One Time Only	Prior to the Notice of Determination		

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Mitigation Monitoring Matrix

Staff Assigned to Monitor:

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
9.		That the Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08.	PBI	PBI	One Time Only	Prior to Issuance of Grading Permit		
10.	Drainage Mitigation #1 (Final EIR)	That no land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection.	PBI	PBI	Continuous	Continuous during Construction		
11.	Drainage Mitigation #1 (Final EIR)	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 Planning and Building Inspection.	PBI	PBI	Continuous	Continuous during Construction		
12.	Drainage Mitigation #1 (Final EIR)	The improvement and grading plans 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 include a landscaping plan pursuant to County requirements. This program shall be approved by the Director of Planning and Building Inspection.	PBI	PEI/WRA	Continuous	Prior to Recording Final Map and continuous during construction		

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Mitigation Monitoring Matrix

Staff Assigned to Monitor:

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
13.		All landscape 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. A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "A 24-foot Height Restriction applies to proposed lot Nos.: 1, 4 and 9." The note shall be located in a conspicuous manner subject to the approval of the Director of Planning and Building Inspection.	PBI	PBI	As required through complaints by the public	Prior to Recording Final Map and in perpetuity		
14.								
15.		A Scenic Easement shall be conveyed to the County in perpetuity over those portions of the proposed residential lots and portions of the proposed remainder parcel where the slope exceeds 30% as well as the areas designated as "Former Lot 1" and "Former Lot 11" in the Vesting Tentative Map as revised on March 14, 2001. A Scenic Easement deed shall be submitted for review and approval by the Director of Planning and Building Inspection.						

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Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

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16.		Building envelopes shall be designated in lots 1,2,3,4,6,7,8 and 9 for the purpose of minimizing oak tree removal and potential impacts from debris flow, subject to the approval of the Director of Planning and Building Inspection.	PBI	PBI	One Time Only	Prior to Recording Final Map		
17.		A note shall be placed on the final map or a separate sheet to be recorded with the final map which states: "No grading, construction of structures and/or roads (except as in accordance with the recorded subdivision map) or vegetation removal may take place outside of the building envelopes in lots 1,2,3,4,6,7,8 and 9.	PBI	PBI	One Time Only	Prior to Recording Final Map		
18.		Development of residential units in the proposed subdivision shall include construction of debris wall, or walls, of dimensions appropriate for each unit. The design and location of the walls shall be determined based on recommendations from individual geotechnical reports to be approved by Planning and Building						

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Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comr
18.	Geology Mitigation #2, 3, 4, 5, 6, 7 (Final EIR)	Inspection and the Water Resource Agency prior to recordation of the final map shall also contain an analysis of the earth materials underlying each of the proposed homesites and provide foundation criteria particular to each site. The parameters for the preparation of these individual geotechnical reports and the general location of the debris flow walls shall be included in the final map. These reports shall also contain an analysis of earth materials underlying each of the proposed home sites and provide foundation criteria particular to each site. For consistency, the geotechnical reports prepared for the individual lots shall be prepared by the same consultant. The applicant shall enter into an agreement with the Water Resources Agency to bond construction of the debris flow walls. A notice shall be recorded for each individual lot in the subdivision stating, "Construction of the debris flow wall required as a condition of approval of the Oak Subdivision (File No. PC94170) for this lot, shall be completed prior to issuance of final occupancy."	PBI	PBI	Other	Prior to Recording Final Map (for identifying the design and location of the walls) Prior to the Issuance of Building Permits (for the actual construction)		

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19.		A note shall be placed on the Final Map or a separate sheet to be recorded with the Final Map which states: "Construction of all habitable structures and debris flow walls within the lots in the subdivision, shall be in conformance with the recommendation of all geotechnical and geologic reports identified in Environmental Impact Report No. 99-01 and shall be based on the recommendations of the geotechnical reports prepared for the individual lots."			One Time Only	Prior to Recording Final Map		
20.	Drainage Mitigation #1 (Final EIR)	Prior to obtaining a grading permit for any site work the applicant shall submit a notice of intent to the Central Coast Reg. Water Quality Control Bd.	PBI	PBI	One Time Only	Prior to Issuance of Grading Permit		
21.		The applicant shall enter into an agreement with the County to implement the Mitigation Monitoring Plan adopted for the project	PBI	PBI	One Time Only	Prior to Recording Final Map		

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22.		Any tree removal on the 40-acre portion of the property covered under the proposed subdivision, either before or after recordation of the Final Map, shall be conducted in accordance with the content and recommendation of the Forest Management Plan prepared by Hugh Smith for the project, dated May 21, 1994, as well as the mitigation measures identified in Section 8 of the Initial Study prepared for the application and contained in File No PC904170. A note shall be placed in the Final Map stating "All tree removal on the 40-acre portion of the property covered under the subdivision shall be conducted in accordance with the Forest Management Plan prepared for the project by Hugh Smith and dated May 21, 1994, and in accordance with all applicable requirements of Chapter 21.64-260 of the Zoning Ordinance." Additionally, a Notice shall be recorded for individual lots stating "Any tree removal on this lot shall be conducted in accordance with the Forest	Public Works	Public Works	One Time Only	Prior to recording Final Map		

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22. Cont.		Management Plan prepared for the project by Hugh Smith and dated May 21, 1994, and in accordance with all applicable requirements of Chapter 21.64.260 of the Zoning Ordinance." As a general rule, all oak tree removal necessary for development improvements shall be minimized to the maximum extent possible.						
23.		The Subdivider shall submit three prints of the approved tentative map to each of the following utility companies; Pacific Gas & Electric Company and Pacific Bell. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements.	Public Works	Public Works	One Time Only	Prior to Recording Final Map		
24.		That all natural drainage channels be designated on the final map by Easements labeled "Natural Drainage Easements."	Public Works	Public Works	One Time Only	Prior to Recording Final Map		
25.		Where cut or fills at property line exceed 5' driveways shall be rough graded in when streets are rough graded, and positive drainage and erosion control provided	Public Works	Public Works	One Time Only	Prior to recording Final Map		
26.		All roads within this subdivision will be private roads.	Public Works	Public Works	One Time Only	Prior to Recording Final Map		
27.		All proposed road names must be Approved by County Communications	Public Works	Public Works	One Time Only	Prior to Recording Final Map		

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28.		The private road easement shall be 50' wide and paved to a width of 18' including drainage control or as approved by the Salinas Rural Fire Protection District. Road improvements shall include tapers on San Benancio Canyon Road as required by the Department of Public Works to insure adequate sight distance.	Public Works	Public Works	One Time Only	Prior to Recording Final Map		
29.		That the location of all driveways and roads to San Benancio Canyon Road be approved by Public Works to insure adequate sight distance in accordance with prevailing speeds. This may include trimming existing vegetation on the inside of the curved and construction of modified tapers to San Benancio Canyon Road.	Public Works	Public Works	One Time Only	Prior to Recording Final Map		

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30.	Transportation Mitigation #8,9 (Final EIR)	The developer shall make the following road improvements prior to occupancy of the first dwelling unit to address cumulative impacts: a) Restripe San Benancio Road northbound and the Casa La Cumbre southbound approaches to include a shared left turn/through lane and right turn lane; or b) Construct a northbound right turn overlap phasing on San Benancio Road at Highway 68.	Public Works	Public Works	One Time Only	Prior to Occupancy of first dwelling		
31.	Transportation Mitigation #10 (Final EIR)	Prior to issuance of building permits, the applicant shall pay a traffic impact fee of \$15,000 per lot. These funds shall be used by the County to construct either: a) Improvements identified at the intersection of Highway 68 and Corral de Tierra identified in the State Highway 68 Traffic Improvement advisory Committee Report dated July 10, 2000; or	Public Works	Public Works	One Time Only	Prior to issuance of Building Permits		

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31. Cont.		b) Other highway improvements included in an action plan for Highway 68 improvements adopted by the Board of Supervisors, subject to approval by the Public Works Department.						
32.		Dedicate to County a 1' a non-access strip along entire frontage of San Benancio Canyon Rd except for approved openings, exclusive of the remainder parcel.	Public Works	Public Works	One Time Only	Prior to Recording Final Map		
33.	Drainage Mitigation #1 (Final EIR)	That the applicant place an asphalt lining on the existing ditch located on the east side of San Benancio road, subject to approval of Director of Public Works.	Public Works	Public Works	One Time Only	Prior to Recording Final Map		
34		Prior to the recordation of the final map, the subdivider shall provide a signed written agreement between the subdivider and Amblar Park Water Utility (APWU) requiring: a) the subdivider to convey to APWU a newly constructed well complete with water distribution infrastructure and fire flow water supply.				Prior to Recording Final Map		

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34. cont.		b) APWU to operate the system as a satellite or stand alone system providing domestic and fire flow water supply to the subdivision in accordance with Title 22 and California Public Utility Commission standards. The total costs for item "a" is to be born by the developer and not APWU or it's customers. If at any point in the future, the Toro b-8 zoning overlay is removed, and this stand alone system is to be consolidated with any other system , pumping of water (produced by this well) outside of Monterey County Water Resource Agency zones 2 & 2A is prohibited except in the case of an emergency.						

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35.		Design the water system improvements to meet the standards as found in Title 22 of the California Code of Regulations and as found in the Residential Subdivision and Water Supply Standards. Submit engineered plans for the water system improvements and any associated fees to APWU for review and approval prior to installing (or bonding) the improvements. Provide evidence that APWU has reviewed and approved the plans. Applicant shall pay all Land Use review fees prior to filing the final map.	Environmental Health	Environmental Health	One Time Only	Prior to Recording Final Map		
36.		Design the water system improvements to meet the fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to filing of the final map.	Environmental Health	Environmental Health	One Time Only	Prior to Recording Final Map		

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37.		The sewer system improvements and any appurtenances shall be installed, or bonded, to and within the subdivision prior to filing the final map.	Environmental Health	Environmental Health	One Time Only	Prior to Recording Final Map		
38.	Drainage Mitigation #1 (Final EIR)	A notice shall be recorded on the final map for the remainder parcel of 285.65 acre, stating that, "The property is located within or partially within a floodplain and may be subject to building and/or land use restriction." A copy of the recorded notice shall be provided to the County Water Resource Agency.	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Recording Final Map		
39.	Drainage Mitigation #1 (Final EIR)	A notice shall be recorded on the final map stating that "there are areas on the 285.65 remainder parcel, subject to inundation by the 100-year flood as shown on federal flood boundary Maps by FEMA".	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Recording Final Map		

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40.	Drainage Mitigation #1 (Final EIR)	A drainage plan addressing on-site and off-site impacts shall be prepared by a registered civil engineer. It shall incorporate the findings and recommendations in the Foxx, Nielson & Assoc. "Geologic Report: The Oaks subdivision," dated June 1994; the findings and recommendations in the "Engineering Geologic Report, Preliminary Soils Report and Percolation Study" by Sampson Engineering dated June 30, 1994; and the findings and recommendations in the "Supplemental Geologic Investigation and Geotechnical Investigation", also by Sampson Engineering, dated May 3, 1997. Special attentions shall be given to those portions of the report dealing with debris flow, drainage and erosion hazards. Necessary improvements shall be constructed in accordance with approved plans and shall comply with all requirements of Condition No. 18.	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Issuance of Grading Permits for Subdivision Improvements		

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41.		<p>The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallon per minute, hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculation system.</p>	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Issuance of Building Permits		

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41. Cont.		b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers Prior to the conveyance of any lots in the subdivision, the applicant shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements, fire hydrants and debris flow walls installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, the responsibility for each lot conveyed shall shift to the succeeding owner. The applicant's obligation shall continue on the remaining lots not yet conveyed. An agreement to this effect, recorded between applicant and the County of Monterey prior to recordation of the final map	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Issuance of Building Permits		
42.			Water Resource Agency	Water Resource Agency	Continuous	Prior to Recording Final Map		

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43.	Drainage Mitigation #1 (Final EIR)	Natural drainage shall be routed around proposed development and in a way that it does not impact down-slope development, in accordance with plans by a registered civil engineer or architect.	Water Resource Agency	Water Resource Agency	Continuous	Prior Issuance of Grading Permit for Subdivision Improvements		
44.		A homeowner's agreement shall be entered into for the maintenance of roads, drainage facilities, debris flow walls and open spaces. The agreement shall include a drainage maintenance agreement provide that delinquent assessments be a lien on the property of the delinquent member. That no amendments or alterations of or change or addendum to the agreement shall have any force or effect unless and until approved by the Board of Supervisors". The Agreement shall	Water Resource Agency	Water Resource Agency	Once a Year	Prior to Recording Final Map and Continuous		

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44. Cont.		be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resource Agency, prior to filing of final map. C.C. & R.'s shall include provisions for yearly reports by a registered civil engineer, and the monitoring of impacts of drainage and maintenance of drainage facilities and debris flow walls. The report shall be reviewed and approved by the County Water Resource Agency.	Water Resource Agency	Water Resource Agency	Once a Year	Prior to Recording Final Map and Continuous		
45.		The homeowner's agreement shall include a provision that if, after notice and hearing the homeowner fails to properly maintain, repair or operate the drainage and flood control facilities and debris flow controls in the project, Monterey County Water Resource Agency shall be granted the right by the property owner's 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 and debris flow walls in the project.	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Recording Final Map		

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Regulation Monitoring Matrix

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45. Cont.		The County Water Resource Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. The agreement to this effect shall be entered into concurrent with the filing of the final map of the first phase of the subdivision.	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Recording Final Map		
46.		In accordance with Monterey County Agency Water Conservation Ordinance No. 3539, or as subsequently amended, the C.C. & R's shall contain provisions that: all new construction incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; the front yard of all homes shall be	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Recording Final Map		

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46. Cont.		Landscaped at the time of construction; low water use or drought tolerant plants shall be used together with water efficient irrigation systems; leak repair is the property owner's responsibility; vehicle and building washing shall use hoses equipped with shutoff nozzles; no potable water to be used for sidewalk streets, curbs, and gutters, no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations, no fountains unless water is recycled within the fountain.	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Recording Final Map		
47.		The applicant shall provide to the Water Resource Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant.	Water Resource Agency	Water Resource Agency	One Time Only	Prior to Recording Final Map		

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48.		Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
49.		The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surface should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
50.		Each dead end road shall have a turnaround constructed at its terminus.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
51.		Size of letter, numbers and symbols for street and road signs shall be a minimum 4 inch letter height, ½ inch stroke, and shall be a color that clearly contrasts with the background of the sign. All numbers shall be Arabic	Salinas Rural Fire District	Salinas Rural Fire District	Continuous	Continuous		

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52.		A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitation, dead-end roads, one-way roads or single lane conditions, shall be placed: 1. At the intersection preceding the traffic access limitation, and 2. No more than 100 feet before such traffic access limitation	Salinas Rural Fire District	Salinas Rural Fire District	Continuous	Prior to Issuance of Building Permits for Individual Homes		
53.		That a note be placed on the final map or a note be recorded at the time of recordation of the final map which requires that the building shall be fully protected with automatic sprinkler systems. The following notation is required on the plans when a building permit is applied for: "The building shall be fully protected with an automatic fire sprinkler system. Fire sprinklers shall be installed in attached garages. Installation, approval and maintenance shall be in compliance with applicable National Fire	Salinas Rural Fire District	Salinas Rural Fire District	Other	Prior to Recording Final Map and During Construction		

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53. Cont.		Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) Sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough in inspections must be completed prior to requesting a framing inspection. ⁿ	Salinas Rural Fire District	Salinas Rural Fire District	Other	Prior to Recording Final Map and During Construction		
54.		The fire flow for this subdivision is based on the Uniform Fire Code Appendix III-A (Fireflow Requirements for Buildings) a. Fire flow shall be 1000 gallons per minute with a residual pressure of 20 psi b. Hydrant outlets shall include on 4-1/2 inch and on one 2-1/2 inch and on NST outlet. c. Fire hydrant locations and distribution shall be in accordance with Appendix 11.1-E of the Uniform Fire Code.	Salinas Rural Fire District	Salinas Rural Fire District	Other	Prior to Recording Final Map and During Construction		

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54. Cont.		<p>d. Fire flow and hydrant spacing may be modified due to the installation of fire sprinkler systems and fire resistive roofing. Fire flow in the one and two-family dwelling areas may be reduced to rate of 500 gallons per minute with a residual pressure of 20 psi when the residences are protected with automatic fire sprinklers in the residence and are built with fire resistive roofing systems (Class "A")</p> <p>e. Hydrant identification- Blue reflective hydrant markers are required to be installed pursuant to Public Works Department Standards. (Monterey County Resolution 83-3)</p>	Salinas Rural Fire District	Salinas Rural Fire District	Other	Prior to Recording Final Map and During Construction		
55.		Plans for the water system installation shall be received and approved by the Salinas Rural Fire District prior to installation. The water system shall be tested and accepted by the Salinas Rural Fire District, prior to the issuance of building permits.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Issuance of Building Permits		

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56.		That a note be placed on the final map or a note be recorded at the time of recordation of the final map which requires that plans for road improvements shall be inspected and accepted by the Salinas Rural Fire District, prior to the issuance of building permits.	Salinas Rural Fire District	Salinas Rural Fire District	Other	Prior to Recording Final Map and Prior to Issuance of Building Permits		
57.		That a note be placed on the final map or a notice be recorded at the time of recordation of the final map which states that this project is located in a very high fire hazard area as defined by the California Department of Forestry and Fire Protection (CDFP), roof construction shall be a Class "A" with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs which are repaired or modified so as to affect 50 percent or more of the roof vegetation removal will not be allowed as means of removing high or very high fire hazard area designation from an entire parcel.	Salinas Rural Fire District	Salinas Rural Fire District	Continuous	Prior to Recording Final Map and During Construction		
58.		The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent, unless otherwise approved by the Salinas Rural Fire District.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		

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Mitigation Monitoring Matrix

Staff Assigned to Monitor:

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure Or	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
59.		For residential driveways with turns 90 degrees and less, the minimal horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveways turns, an additional surface of 4 feet shall be added. No roadway turns shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
60.		Roadway turnarounds shall be required driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary buildings. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
61.			Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		

LEGEND: Daily = D; Weekly = W; Monthly = M; Semi-Monthly = SM; Semi-Annually = SA; Continuous = C; Other = O

Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
62.		Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of a least 10 feet.	Salinas Rural Fire District	Salinas Rural Fire District	Continuous	Prior to Recording Final Map and Continuous		
63.		Newly constructed or approved public an private roads and streets shall be identified in accordance with provisions of Monterey County Ordinance No. 1241. All signs shall be mounted and oriented in a uniform manner. This section does not require any existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
64.		Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
65.		Roads, streets and private signs required by this article shall be installed prior to final acceptance of road improvements by the County of Monterey.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		

LEGEND: Daily = D; Weekly = W; Monthly = M; Semi-Monthly = SM; Semi-Annually = SA; Continuous = C; Other = O

Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
66.		That a note be placed on the final map or a note be recorded at the time of recordation of the final map which requires that all building shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
67.		That a note be placed on the final map or a notice be recorded at the time of recordation of the final map which required that all parcels 1 acre and larger shall provide a minimum 30 foot setback for building and accessory building from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		

LEGEND: Daily = D; Weekly = W; Monthly = M; Semi-Monthly = SM; Semi-Annually = SA; Continuous = C; Other = O

Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/ Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
68.		Disposal, including chipping, burying, burnings or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit.	Salinas Rural Fire District	Salinas Rural Fire District	Other	Prior to Final Inspection of Permits		

LEGEND: Daily = D; Weekly = W; Monthly = M; Semi-Monthly = SM; Semi-Annually = SA; Continuous = C; Other = O

Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
69.		That a note be placed on the final map or a notice to be recorded at the time of recordation of final map which requires that before construction begins, temporary or permanent address numbers shall be posted prior to requesting final clearance. All address numbers (Permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided a post or sign bearing the address numbers shall be adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background color of the sign.	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		

LEGEND: Daily = D; Weekly = W; Monthly = M; Semi-Monthly = SM; Semi-Annually = SA; Continuous = C; Other = O

Mitigation Monitoring Matrix

Staff Assigned to Monitor:

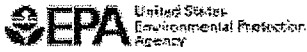
Permit Cond. #	Mitigation No. with Reference to Mitigation No. from MND or Consultant Report	Condition of Approval/Mitigation Measure	Dept./Agency Responsible for Clearing Condition Or Mitigation Measure	Responsible Party for Monitoring/Reporting Mitigation Measure	Frequency of Ongoing Monitoring/Reporting (See Legend Below)	Schedule of Condition/Mitigation Measure Clearance	Final Clearance Date	Comments
70.		All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards or additional requirements are mandated by local jurisdictions or local subdivision requirements. Applicant shall comply with the recreation requirements contained in Section 19.12.010 of Title 19 of the Monterey County Code (Subdivision Ordinance).	Salinas Rural Fire District	Salinas Rural Fire District	One Time Only	Prior to Recording Final Map		
71.			Parks and Recreation	Parks and Recreation	One Time Only	Prior to Recording Final Map		

LEGEND: Daily = D; Weekly = W; Monthly = M; Semi-Monthly = SM; Semi-Annually = SA; Continuous = C; Other = O

Mitigation Monitoring Matrix

Staff Assigned to Monitor: _____

3



Water: Arsenic

You are here: [Water](#) » [Laws & Regulations](#) » [Regulatory Information](#) » [Safe Drinking Water Act](#) » [Arsenic](#) » Arsenic Rule

Arsenic Rule

On January 22, 2001 EPA adopted a new standard for arsenic in drinking water at 10 parts per billion (ppb), replacing the old standard of 50 ppb. The rule became effective on February 22, 2002. The date by which systems must comply with the new 10 ppb standard is January 23, 2006.

The **Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Final Rule** was published in the Federal Register (66 FR 6976) on January 22, 2001.

- [Read the Rule online](#)

Quick Reference Guide to Arsenic and Clarifications to Compliance and New Source Monitoring Rule
EPA 816-F-01-004

This document provides a simple and straightforward description of the rule, critical deadlines and requirements for drinking water systems and states, and information on monitoring requirements.

- [Quick Reference Guide for Arsenic](#) (98 K PDF File, 2 pgs) ([ALL ABOUT PDF FILES](#)) For other quick reference guides visit the [drinking water standards - quick reference guides page](#).

Drinking Water Standard for Arsenic Fact Sheet provides information on the potential health effects of exposure to arsenic, an overview of the Final Rule, and background information on the natural occurrence of arsenic.

- [Read the Fact Sheet online](#)
EPA 815-F-00-015

Technical Fact Sheet provides technical information about the Final Arsenic Rule including its requirements and compliance dates, the health effects associated with exposure to arsenic, the costs, benefits, and number of systems affected by the rule, and where to find additional information.

- [Read the Technical Fact Sheet online](#)
EPA 815-F-00-016

Rule-Making History

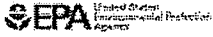
EPA proposed arsenic regulations to revise the existing NPDWR on June 22, 2000 (65 FR 38888), which proposed a Maximum Contaminant Level (MCL) of 0.005 mg/L (5 µg/L). The October 2000 appropriations bill for EPA amended the SDWA, directing EPA to promulgate a final arsenic standard no later than June 22, 2001. The Final Rule, published on January 22, 2001, established the MCL at 0.01 mg/L (10 µg/L) (40 CFR 141.62(b)(16)). The Rule was to become effective on March 23, 2001, 60 days after publication. The Rule established that the 0.01 mg/L (10 µg/L) MCL becomes enforceable on January 23, 2006, and that the clarifications to compliance and new source contaminants monitoring regulations become enforceable on January 22, 2004 (40 CFR 141.6(j) & (k)).

Because of the importance of the Arsenic Rule and the national debate surrounding it related to science and costs, EPA's Administrator publicly announced on March 20, 2001, that the Agency would take additional steps to reassess the scientific and cost issues associated with this Rule. EPA requested that the National Academy of Sciences (NAS)

convene a panel of scientific experts to review the Agency's <http://water.epa.gov/lawsregs/rulesregs/sdwa/arsenic/regulations.cfm> with its National Drinking Water Advisory Council (NDWAC) to review the assumptions and methodologies underlying the Agency's estimate of arsenic compliance costs, and asked its Science Advisory Board (SAB) to look at the benefits associated with the Rule. On October 31, 2001, the EPA Administrator announced that the 10 ppb (0.010 mg/L) standard for arsenic would remain stating that, "the 10 ppb protects public health based on the best available science and ensures that the cost of the standard is achievable."

See the [Rule-making History](#) page of this Web site for additional information and documents related to the history of the Arsenic Rule.

Last updated on Tuesday, March 06, 2012



Water: Arsenic

You are here: [Water](#) » [Laws & Regulations](#) » [Regulatory Information](#) » [Safe Drinking Water Act](#) » Arsenic in Drinking Water

Arsenic in Drinking Water

Arsenic is a semi-metal element in the periodic table. It is odorless and tasteless. It enters drinking water supplies from natural deposits in the earth or from agricultural and industrial practices.

Non-cancer effects can include thickening and discoloration of the skin, stomach pain, nausea, vomiting; diarrhea; numbness in hands and feet; partial paralysis; and blindness. Arsenic has been linked to cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate.

EPA has set the arsenic standard for drinking water at .010 parts per million (10 parts per billion) to protect consumers served by public water systems from the effects of long-term, chronic exposure to arsenic. Water systems must comply with this standard by January 23, 2006, providing additional protection to an estimated 13 million Americans.

This web site is designed to provide you with information about arsenic in drinking water and provide guidance materials to help the states and water systems comply with the standard.

- [Basic Information](#) - Learn more about the sources of arsenic, health effects and our frequently asked questions.
- [Arsenic Rule](#) - Get updated information on the arsenic rule, including quick reference guides. The history of the rule-making is also featured.
- [Compliance Help](#) - If you need to comply with the arsenic rule, visit this page to get available tools and training information.
- [State Guidance](#) - If you are with a state agency, visit this page to get available guidance information about arsenic implementation.
- [Funding Sources](#) - This page gives you the information you will need to seek funding to help you comply with the arsenic rule.
- [Publications](#) - Visit a list of all the publications offered by EPA on arsenic. Many are on-line for your use.
- [Research](#) - Find out about EPA's research program on arsenic.

Last updated on Tuesday, March 06, 2012

Arsenic Rule at a Glance

Maximum Contaminant Level
in parts per million (ppm)
MCL = 0.010 ppm

Maximum Contaminant Level Goal
MCLG = 0 ppm

Health Effects
Skin damage or problems with circulatory systems, and may have increased risk of getting cancer

Sources of contamination
Erosion of natural deposits; runoff from orchards, runoff from glass & electronic production wastes

For other contaminants and their MCLs, [visit this page.](#)

4

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

Resolution No. 03-279

Accept the previously certified Environmental)
Impact Report (EIR # 99-01) for the Standard)
Subdivision Vesting Tentative Map for the Oaks)
Residential Subdivision (File PC94170), as)
adequate for the review and approval of a three)
year extension request, and approve the)
extension request subject to the Findings,)
Evidence and Conditions of Approval adopted by)
the Board of Supervisors on May 8, 2001 and)
contained in Board of Supervisors Resolution #)
01-197 to expire on May 8, 2006. The project)
site is located east of San Benancio Road, south)
of Highway 68 in the Toro Planning Area.)

WHEREAS, The Board of Supervisors has considered the request by Bollenbacher & Kelton for a three year extension of the Oaks Subdivision (File PC94170) and found the request to have been filed in a timely manner, and with reasonable justification pursuant to Title 19.05.065; and further finding that the underlying environmental conditions existing at the time of project approval remain unchanged; and that the Findings, Evidence and Conditions of Approval contained in Board Resolution # 01-197 are valid today as they were in 2001;

NOW, THEREFORE, BE IT RESOLVED THAT

The Board of Supervisors of the County of Monterey as decision-making authority does hereby Accept the previously certified Environmental Impact Report (EIR # 99-01) for the Standard Subdivision Vesting Tentative Map for the Oaks Residential Subdivision (File PC94170), as adequate for the review and approval of a three year extension request, and approve the extension request subject to the Findings, Evidence and Conditions of Approval adopted by the Board of Supervisors on May 8, 2001 and contained in Board of Supervisors Resolution # 01-197 to expire on May 8, 2006.

PASSED AND ADOPTED on this 22nd day of July, 2003, upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, and Johnsen

NOES: Supervisor Potter

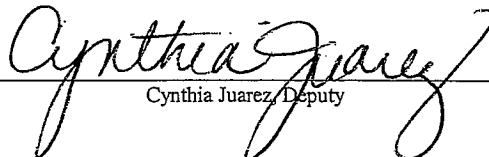
ABSENT: None

I, Sally R. Reed, 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 71, on July 22, 2003.

Dated: July 24, 2003

Sally R. Reed, Clerk of the Board of Supervisors, County of Monterey, State of California.

By



Cynthia Juarez, Deputy

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: July 22, 2003 @ 10:00am	Agenda No. 5-7
SUBJECT: Find EIR 99-01 adequate to review and approve an application from Bollenbacher & Kelton to extend The Oaks Standard Subdivision Map (PC94170) pursuant to Subdivision Ordinance section 19.05.065 for a period of three years, until May 8, 2006. The project is located east of San Benancio Road south of Highway 68 (Exhibit "A"), in the Toro area, District 5. Staff recommendation: Approval	
DEPARTMENT: Planning and Building Inspection	

RECOMMENDATION

It is recommended that the Board of Supervisors find EIR 99-01 adequate to review and approve an application from Bollenbacher & Kelton to extend The Oaks Standard Subdivision Map (PC94170), pursuant to Subdivision Ordinance section 19.05.065, for a period of three years, until May 8, 2006.

SUMMARY

Board Resolution 01-197, approved the Oaks Subdivision with an Environmental Impact Report and the resolution became effective on May 8, 2001 (Exhibit B). The approval allowed two years for filing of the Final Map. A request for a three year extension was timely filed in writing on March 04, 2003 (Exhibit C). The request is to allow the subdivider to satisfy the Conditions of Approval.

DISCUSSION

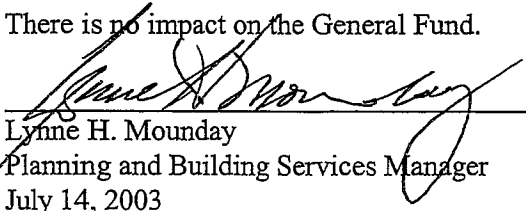
The Toro Advisory Committee reviewed the request on May 27, 2003, and voted unanimously to recommend that the Toro Oaks Subdivision not be extended (Exhibit D). Staff reviewed the prior EIR, traffic and water issues and determined that there are no significant changes to the issues since the subdivision was approved in 2001. The same findings, evidence and conditions attached to the original approval will remained attached to the extension of the Vesting Tentative Map, and all said conditions shall be required to be fulfilled, bonded, by the County of Monterey prior to filing of a Final Map.

OTHER AGENCY INVOLVEMENT

The request for an extension to the life of the Vesting Tentative Map was reviewed at the Interdepartmental Review Meeting held on May 27, 2003. All Land Use Departments and the Fire Department recommended that the existing conditions of the Vesting Tentative Map be retained and applied (Exhibit E).

FINANCING

There is no impact on the General Fund.



Lynne H. Mounday
Planning and Building Services Manager
July 14, 2003

- Attachment 1 (Draft Board Resolution)
- Exhibit A--- Vicinity Map
- Exhibit B--- Resolution 01-197
- Exhibit C---Extension request 3-04-2003
- Exhibit D---Toro LUAC Minutes of 5-27-2003
- Exhibit E--- Interdepartmental Department Review

MONTEREY COUNTY



DEPARTMENT OF HEALTH LEN FOSTER, Director

ADMINISTRATION	EMERGENCY MEDICAL SERVICES	HEALTH PROMOTION
ANIMAL SERVICES	ENVIRONMENTAL HEALTH	PRIMARY CARE
BEHAVIORAL HEALTH	FAMILY & COMMUNITY HEALTH	PUBLIC GUARDIAN

SEP 10 2003

September 10, 2003

Sheri Damon
Lombardo & Gilles
318 Cayuga Street
P.O. Box 2119
Salinas, CA 93902

Subject: The Oaks Standard Subdivision Condition Clearance (PC94170)

Dear Ms. Damon:

The Monterey County Health Department, Division of Environmental Health (MCDEH) has reviewed the information submitted with your letter dated July 16, 2003. Accordingly, MCDEH has not cleared the following conditions. Please submit the following documentation as soon as possible to clear these conditions:

1. **Condition #34 (Water):** MCDEH has reviewed the language in the agreement submitted for consistency in meeting this condition. Two facsimile copies of the signature page (page 3 of the agreement) were submitted. Do you have the original signature pages on file in your office?

On page 2, #2 of Article 1 in the Agreement, the Agreement states that the Developer has submitted schematic conceptual plans of the Water System improvements to Cal-Am. However, Condition #35 requires that engineered plans be submitted to Cal-Am for review and approval. Please revise the agreement to read "Cal-Am acknowledges that the Developer has already submitted engineered plans for the Water System improvements, attached as Exhibit A, and incorporated herein by reference, that it has reviewed and approved the engineered plans and that it has received any associated fees for this review and approval."

On page 2, #3 of Article 1 in the Agreement, the Agreement states that the developer reserves the right to utilize any and all capacity of the Water System, above that capacity necessary to provide domestic and fire flow water supply to the property and uses located within the Oaks Subdivision. Why is this statement in the agreement and what does this mean?

2. **Condition #35 (Water System Design/Bond):** According to Exhibit B submitted with your July 16, 2003 letter, most of the water system improvements for the subdivision are proposed. Submit a copy of the engineer's estimate of the total cost to install distribution system improvements and complete a bond and Subdivision Improvement Agreement with Monterey County Public Works. Provide documentation that Ambler Park Water Utility (now Cal Am) has reviewed and approved the plans.

The Oaks Subdivision (PC94170)
September 10, 2003
Page 2 of 2

3. **Condition #36 (Fire Flow Requirements):** Submit a letter from the local fire agency with jurisdiction that the water system improvements have been reviewed and approved to meet fire flow standards.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura M. Lawrence", with a long horizontal line extending to the right.

Laura M. Lawrence, R.E.H.S.
Supervising Environmental Health Specialist
Division of Environmental Health

c: PBI

6

2718 OCEAN PARK BLVD., SUITE 3006
SANTA MONICA, CA 90405-5207
TELEPHONE 310-399-4514
FACSIMILE 310-399-0062

**CLOVERFIELD
MGMT, LLC**

Fax

To: John Hodges/County of Monterey **From:** Mark Kelton

Fax: 831-755-8929 **Pages:** 7

Phone: **Date:** 1-24-06

Re: The Oaks (PC 94170) **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• Comments:

Dear John,

Regarding The Oaks Conditions 34 & 35 -- per email.

Regards, Mark Kelton

EXECUTIVE OFFICE

September 15, 2005

2716 OCEAN PARK BLVD., SUITE 3008
SANTA MONICA, CALIFORNIA 90405-5207
PHONE (310) 398-4514
FAX (310) 399-0062

Via Facsimile (831-755-4557)

Laura Lawrence
Monterey County Department of Health
Division of Environmental Health
1270 Natividad Road
Salinas, CA 93906

Re: The Oaks Subdivision – Conditions 34 & 35

Dear Laura:

We very much appreciate your time and efforts in connection with our project.

We would like to confirm with you the status of these two conditions.

Condition 34: Attached is the revised memorandum of agreement that was signed by both parties concerning the water system for this project. It is our understanding and expectation that this memorandum of agreement satisfies this condition.

Condition 35: As you know, one of the requirements of this condition is that you be provided with documentation that CalAm has reviewed and approved our water system plans. We have a copy in our files of an approval letter from CalAm to you dated March 26, 2004. We've attached a copy for your ease of reference. Other than needing to post the bond, it is our understanding that we have met all of the requirements necessary to satisfy this condition.

We would appreciate it if you would confirm the above at your earliest convenience.

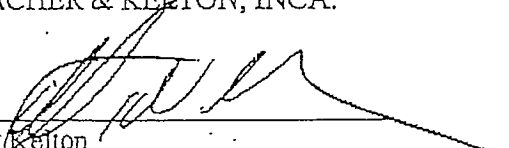
Should you have any questions concerning the above, please do not hesitate to give me a call.

Once again, many thanks for your ongoing assistance.

Sincerely,

BOLLENBACHER & KELTON, INCA.

By:


Mark Kelton
Executive Vice President

MEMORANDUM OF AGREEMENT CONCERNING THE WATER SYSTEM FOR THE OAKS SUBDIVISION

This Agreement for the transfer, operation and maintenance of the well and water distribution system of the Oaks Subdivision Water System ("Agreement") is made between Bollenbacher and Kelton, Inc. a California corporation (the "Developer") and California-American Water Company, a California corporation and a California public utility ("Cal-Am"), with reference to the following:

RECITALS

A. Developer is the owner of certain real property commonly known as the Oaks, in the County of Monterey, State of California, more particularly described in Exhibit "A" attached hereto (the "Oaks Subdivision"). The tentative map for the Oaks Subdivision was approved by Monterey County Resolution 01-197 on May 8, 2001. Condition 34 of the approval requires that prior to filing the final map, that the Developer provide a written agreement for the transfer of the well and water system to Ambler Park Water Utility (APWU) and Condition 35 of the approval requires that the water system plans be designed in accordance with Title 22 and approved by APWU.

B. Ambler Park Water Utility was acquired by Cal Am. Cal-Am is a California corporation engaged in the business of providing Water Service and Water Related Services to customers in portions of Monterey County.

C. Developer is in the process of planning the capital improvements necessary for the water system to serve the Oaks Subdivision.

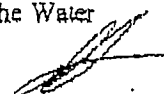
D. As a condition of approval of the final Subdivision Maps for the Oaks Subdivision, the County of Monterey (the "County") is requiring that a water system be designed and constructed to service the lots within the Oaks Project (the "Water System") capable of meeting the standards of Title 22 of the California Administrative Code and California Public Utility Commission Standards.

AGREEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Developer and Cal-Am agree as follows:

ARTICLE 1.

1. Developer agrees to construct a well and water distribution infrastructure for domestic and fire flow water supply (collectively "Water System") for the Oaks Subdivision in accordance with plans and specifications approved by Cal Am. There shall be no cost to the existing customers of Cal Am for the construction of the Water System.



2. Developer agrees to design the water system improvements to meet Title 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Cal Am acknowledges that Developer has already submitted engineered plans for the Water System improvements, attached as Exhibit A, and incorporated herein by reference, that it has reviewed and approved by Cal Am and that it has received any associated fees for this review and approval. Developer further agrees to comply with AWWA and/or CPUC standards in the final design of the Water System.

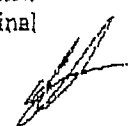
3. Developer agrees to execute such documentation, including but not limited to a main extension agreement, and take such further actions and steps, such as seeking annexation, as required by Cal Am to implement the transfer of the Water System to Cal Am and Cal Am agrees to accept the Water System upon the approval of such annexation and execution of a main extension agreement by Developer, in exchange for Cal Am's agreement to operate and maintain the Water System as either a stand alone or satellite system providing domestic and fire flow water supply to the property and uses located within the Oaks Subdivision. Developer reserves the right to utilize any and all capacity of the Water System, above that capacity necessary to provide domestic and fire flow water supply to the property and uses located within the Oaks Subdivision.

4. Cal Am and Developer agree to take all acts and execute all documents necessary to implement this Agreement in a timely manner, including, without limitation, execution of a bill of sale for the Water System, Annexation of the Oaks to the former Ambler Park Water Utility service area, and/or execution of a main extension agreement. Developer agrees to pay for any costs associated with transfer of the system to Cal Am.

5. Cal Am agrees that if at any point in the future, the Toro B-8 zoning overlay is removed, and this stand alone system is consolidated with any other system, pumping of water produced by the Water System outside of Monterey County Water Resources Agency zones 2 & 2 A is prohibited except in the case of an emergency.

6. After the recording of the final map for the subdivision, Developer agrees to provide Cal Am with an 80' x 100' tank site easement on Lot 6 subject to the provisions of the County's Scenic Easement and scenic easement ordinances, in the event that Cal Am is not able to locate another more suitable tank site. The tank site easement will be at an elevation of approximately 550 feet and is depicted on Exhibit B to this Agreement.

7. This Agreement may be executed in counterparts and all counterparts together shall be construed as one document. A facsimile signature shall be treated as an original signature.



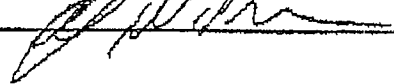
8. Except as provided in this Agreement, this Agreement may be amended in whole or in part only by a further written agreement executed by all of the parties.

9. This Agreement shall be effective upon the recordation of the Final Map for the Oaks Subdivision. Nothing herein shall be deemed to require the Developer to prepare, process or record a Final Map for any part of the Oaks Subdivision.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the respective dates set forth below.

Bollenbacher and Kelton, Inc.
a California corporation

Date: 10/30/04

By: 

CALIFORNIA-AMERICAN WATER
COMPANY, a California Corporation and
a California Public Utility

Date: _____

By: _____
Vice President

8. Except as provided in this Agreement, this Agreement may be amended in whole or in part only by a further written agreement executed by all of the parties.

9. This Agreement shall be effective upon the recordation of the Final Map for the Oaks Subdivision. Nothing herein shall be deemed to require the Developer to prepare, process or record a Final Map for any part of the Oaks Subdivision.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the respective dates set forth below.

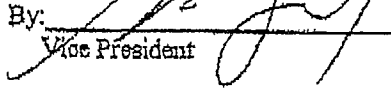
Bollenbacher and Kelton, Inc.
a California corporation

Date: _____

By: _____

CALIFORNIA-AMERICAN WATER
COMPANY, a California Corporation and
a California Public Utility

Date: 10/28/04

By: 
Vice President



California American Water

March 26, 2004

Laura Lawrence
Monterey County Health Department
Division of Environmental Health
1270 Natividad Road
Salinas, CA 93906

Subject: Oaks Subdivision Water System

Dear Ms. Lawrence:

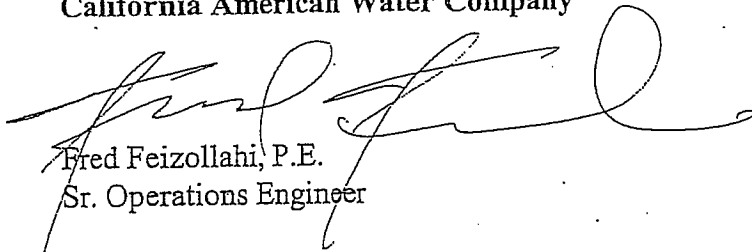
This letter is to inform you that California American Water has reviewed and approved the plans for the Oaks Subdivision Water System, dated February 2004, prepared by Utility Services.

Should you have any question regarding the above, please do not hesitate to contact me directly at (831) 646-3261.

2316-7538 (cell)

Sincerely,

California American Water Company



Fred Feizollahi, P.E.
Sr. Operations Engineer

FF/DN/la

Cc: Ken Whitson, Whitson Engineers.

Attachment

Oak Subdivision-Water System Drawings – Sheet 1 to 5

cond. # 35
(part)

Osorio, Luis x5177

From: Hodges, John S. x4584
Sent: Tuesday, January 31, 2006 12:27 PM
To: Osorio, Luis x5177; Hori, Bryce Ext.4920
Cc: 'MKelton054@aol.com'; 'razorharrod@sbcglobal.net'; 'rubyneumann@hotmail.com'
Subject: FW: PC94170 (Kelton) The Oaks Subdivision Conditions 34 & 35

Luis: DEH cond no.34 has been satisfied, and cond no. 35 has been satisfied except for the bond.

Bryce: Please let us know when the subdivision improvements have been bonded; I understand from Mr. Kelton that the engineer's estimate for all needed improvements was prepared and submitted (to PW?)

Sincerely, JH

-----Original Message-----

From: Hodges, John S. x4584
Sent: Monday, January 23, 2006 3:40 PM
To: Osorio, Luis x5177
Subject: FW: The Oaks Subdivision Conditions 34 & 35

Luis;

, I will have to review the file to refresh my memory, but the below statement sounds familiar.

John Hodges, REHS
PBI / MCHD Liaison
Division of Environmental Health
Resource Management Agency

-----Original Message-----

From: MKelton054@aol.com [mailto:MKelton054@aol.com]
Sent: Monday, January 23, 2006 3:27 PM
To: Hodges, John S. x4584
Cc: razorharrod@sbcglobal.net; rubyneumann@hotmail.com
Subject: The Oaks Subdivision Conditions 34 & 35

John,
hope u had a great holidaiy season and that all is good with u.
back in late September and early October '05 we had a couple of telephone conversations (and voicemail exchanges) regarding the status of the above conditions. After u had time to review the material we sent to Larua Lawrence you had informed us that these conditions were cleared - other than the need to post the bond required per condition 35. If u could please comunicate this to Luis Osorio (and cc us) that would be very much appreciated. If u have any questions or comments please don't hesitate to give me a call 310 968-1450 or 396-4514 or drop me an email.
thanks again for your efforts and assistance

8

APPLICATION FOR ENCROACHMENT PERMIT

D- @ _____
1. _____
2. _____

TO: MONTEREY COUNTY DEPARTMENT OF PUBLIC WORKS

168 W ALISAL ST 2ND FLR
SALINAS CA 93901-2680

GENTLEMEN:

THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT TO ENCROACH ON THE COUNTY RIGHT OF WAY AS INDICATED BELOW:

ROADS SAN BENANCIO AND PASEO VAQUEROS M.P. _____

BETWEEN RD NAME HIGHWAY 68 AND/OR BIG SKY LANE

AREA SALINAS AP# 161-011-078 LOT _____

FERRINI OAKS, LLC
Name of Applicant (Print)

365 Victor St. Suite S
Mailing Address (Street)

SALINAS CA 93907
City Zip

O
f
f
i
c
e
FEE _____
REC'D BY _____
LETTER SENT _____

TEL NO. 831-758-4368

STARTING DATE MAY 1, 2006

O
f
f
i
c
e
Attached Form _____ COMPLETION DATE DEC. 31, 2006
All pertinent sections of Monterey County Code, Title _____ shall apply. Work shall be in accordance with the attached plan and Form _____ in order to have building/this permit acknowledged as complete.

DESCRIPTION OF WORK INSTALL 3200' OF SEWER LINE UNDER SAN BENANCIO RD from Highway 68 to BIG SKY LANE. Also, install 8" F4" water line (approx 3400') along SAN BENANCIO RD and PASEO VAQUEROS. Improvement plans on file w/ Bryce Hori, Monterey County public works, for the "OAKS" subdivision

NOTE

1. SKETCH MUST SHOW DISTANCE FROM PROPOSED PERMIT WORK LOCATION TO EXISTING CROSS STREET OR MILE POST.
2. SHOW NORTH ARROW.
3. PLAN ATTACHED

[Signature] 4/3/06
Signature Date

AGREES THAT WORK WILL BE DONE IN ACCORDANCE WITH EXISTING COUNTY ORDINANCES AND CONSTRUCTED TO DESIGNATED GRADES AND SPECIFICATION REQUIREMENTS.

O
f
f
i
c
e
THIS PERMIT EXPIRES: _____
EIR EXEMPT BY SECTION _____
CLASS: _____

THE GENERAL CONDITIONS OF MONTEREY COUNTY CODE, TITLE 14, CHAPTER 14.040

An ordinance to protect the county highways and works incidental thereto by regulating their excavation and encroachment.

SEC. .010-A2 "County Highway" includes all or any part of the entire width of right-of-way of any road, street, lane, alley, way or place maintained by the County of Monterey and open to the use of the public for purposes of travel, whether or not such entire width is actually used for highway purposes and whether or not it has been accepted into the County Road System by resolution of the Monterey County Board of Supervisors. It also includes bridges, culverts, curbs, drains, ditches, and all works incidental to county highway construction and maintenance.

SEC. .010-A3 "Encroachment" includes any structure or object of any kind or character placed, without the authority of law, either in, on, under or over any county highway.

SEC. .070-A This ordinance shall not be construed to prohibit any act for which a permit is required when the performance of such act is reasonably necessary for the preservation of life or property in an emergency. In all such cases, however, the person performing such act shall promptly notify the Public Works Director and shall apply for a permit therefore at the earliest practicable time thereafter, in any event not later than the next succeeding day during which the office of the Public Works Director is open.

SEC. .020-A When satisfied of an applicant's right of necessity, the Public Works Director may issue to him a written permit, which shall not be transferable, authorizing him to do any of the following acts:

1. Make an opening or excavation for purpose in any county highway.
2. Place, change or renew an encroachment.
3. Construct, grade, or place any driveway within a county highway, but no driveway shall be located within any portion of the normal curve returns of any intersections.
4. Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any county highway.

SEC. .020-B Any person who does any of the acts specified in this subdivision of this section, without the authority of such a permit, is guilty of a misdemeanor.

SEC. .090-B Work performed under a permit involving an excavation, fill, roadway or driveway surfacing shall be maintained by the permittee for at least six (6) months after completion, or for such longer period, up to one (1) year after completion, as the Public Works Director may specify.

SEC. .100 The Public Works Director may, but is not required to, supervise any work done under any permit issued under the provisions of this chapter, in which event the permittee may be required to pay the reasonable cost of such supervision to the county, but no cost of supervision shall be charged by the Public Works Director to any public agency. (Ord. 1162 Section 11, 1960)

SEC. .110-A Every permittee shall:

1. Notify the Public Works Director at least forty-eight (48) hours, exclusive of Saturdays, Sundays and legal holidays, before starting any permit work.
2. Keep his permit, or a copy thereof, at the site of the permit work at all times when he is actually engaged in work thereat and exhibit it to the Public Works Director, or his representative, or any peace officer, upon demand.
3. Promptly remove all refuse, debris, equipment and excess material from the site of the permit work upon its completion and leave the premises in as presentable a condition as before the work started.
4. Place and maintain suitable warning lights, signs, barriers, devices or flagmen, which shall be of the types specified in Section 21496 of the California Vehicle Code.
5. In all cases where he has disturbed the existing surface of a county highway, replace, repair, or restore such highway in accordance with the terms of his permit. In case his permit contains no such terms, then he shall do such replacing, repairing, or restoring at his own expense promptly upon completion of his permit work, in a good and workmanlike manner as directed by the applicable provisions of this ordinance, to as good condition as before the permit work started; provided, however, that if the surface which was disturbed was a bituminous-surfaced roadway, such surface shall be replaced, repaired or restored with not less than one and one-half inches, compacted, in thickness, of asphaltic concrete surfacing, over a minimum of six inches, compacted, in depth, of aggregate base material of a type approved by the Public Works Director.
6. Comply with all of the terms and conditions of his permit.
7. Comply with all of the construction standards and methods specified in this ordinance.
8. Store, place or deposit no material within five (5) feet from the edge of the pavement or traveled way or within the shoulder line, where the shoulders are wider than five (5) feet, of any county highway, without the prior approval of the Public Works Director.
9. Diligently pursue the permit work in such a way as not to cause an unreasonable interference or inconvenience to the traveling public.

RECEIVED
APR - 3 2006

RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS ADMIN.

SEC. .120 Unless the permit provides otherwise, all permit work shall conform to the following:

1. The Standard Specifications of the Department of Transportation of the State of California.
2. The Special Provisions for Encroachment Work, on file in the office of the Public Works Director.

SEC. .125 Indemnity and Hold Harmless: An applicant shall agree to indemnify, defend, and save harmless the County, its officers, agents and employees, from and against any and all claims and losses whatsoever accruing or resulting to any and all persons, firms or corporations, and public and private property in connection with the encroachment or the conduct of the special event, unless arising out of the sole negligence or willful misconduct of County. (Ord. 3889, 1996)

THE GENERAL CONDITIONS OF MONTEREY COUNTY CODE, TITLE 18, CHAPTER 18.08

SEC. .040 No permit shall be issued until the applicant has obtained all clearance and any required permits from other county departments and governmental agencies, including, but not limited to, encroachment permits, septic tank permits, subdivision and zoning clearances.

SEC. .060-5 FINAL INSPECTION: To be made after finish grading and the building is complete. A final inspection will not be made until the driveway approach, septic tank and planning and zoning requirements have been completed and approved by the respective county departments concerned therewith.

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

Accept the Final Map for 9 residential lots and a)
 235.7 acre Remainder Parcel, Tax Report from the)
 Tax Collector, Subdivision Improvement Agreement,)
 Subdivision Security, Conservation and Scenic)
 Easement Deed, Road and Drainage Maintenance)
 Agreement, Notice (Construction of Debris Flow)
 Walls), Notice (Tree Removal), Subdivision Title)
 Guarantee and Declaration of Covenants, Conditions)
 and Restrictions and Reservation of Easements for)
 Tract for the Oaks Subdivision (PC94170) for Ferrini)
 Oaks LLC. The property is located fronting on and)
 northeasterly of San Benancio Road, fronting on and)
 southeasterly) of State Highway 68, San Benancio)
 area, Toro Area Plan.)

Upon motion of Supervisor Armenta, seconded by Supervisor Calcagno, and carried by those members present, the Board hereby takes the following actions:

1. Accepts the Final Map, Tax Report from the Tax Collector, Subdivision Improvement Agreement, Subdivision Security, Conservation and Easement Deed, Drainage and Flood Control Systems Agreement, Road Maintenance Agreement, Notice (Construction of Debris Flow Walls), Notice (Tree Removal), Subdivision Title Guarantee and Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Tract.
2. Directs the Chair to sign the Subdivision Improvement Agreement, Conservation and Scenic Easement Deed, Road and Drainage Maintenance Agreement.
3. Directs the Clerk to the Board to submit the Final Map, Conservation and Scenic Easement Deed, Road and Drainage Maintenance Agreement, Notice (Construction of Debris Flow Walls), Notice (Tree Removal) and the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Tract to the County Recorder for filing.
4. Directs the Parks Department to deposit the Recreation in Lieu Fee of \$180.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities at Toro Park.

PASSED AND ADOPTED on this 20th day of June 2006, by the following vote-to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Potter, and Smith

Oaks Subdivison
Page 2

NOES: None
ABSENT: None

I, Lew Bauman, 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 Minute Book 73, on June 20, 2006.

Dated: June 20, 2006

Lew Bauman, Clerk of the Board of Supervisors
County of Monterey, State of California.

By 

Darlene Drain, Clerk

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: June 20, 2006

AGENDA NO.: Consent

31

SUBJECT:

1. Accept the Final Map for 9 residential lots and a 235.7-acre remainder parcel, Tax Report from the Tax Collector, Subdivision Improvement Agreement, Subdivision Security, Conservation and Scenic Easement Deed, Road and Drainage Maintenance Agreement, Notice (Construction of Debris Flow Walls), Notice (Tree Removal), Subdivision Title Guarantee and the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Tract for the Oaks Subdivision for Ferrini Oaks LLC (Standard Subdivision PC94170). The property is located fronting on and northeasterly of San Benancio Road, fronting on and southeasterly of State Highway 68, San Benancio area.
2. Direct the Chair to sign the Subdivision Improvement Agreement, Conservation and Scenic Easement Deed and Road and Maintenance Agreement.
3. Direct the Clerk to the Board to submit the Final Map, Conservation and Scenic Easement Deed, Road and Drainage Maintenance Agreement, Notice (Construction of Debris Flow Walls), and Notice (Tree Removal) and the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Tract to the County Recorder for filing.
4. Direct the Parks Department to deposit the Recreation in Lieu Fee of \$180.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities at Toro Park.

PROJECT LOCATION: The property is located fronting on and northeasterly of San Benancio Road, fronting on and southeasterly of State Highway 68, San Benancio area.	APN: 161-011-078-000
--	-----------------------------

PLANNING FILE NUMBER: PC94170	NAME: Ferrini Oaks
--------------------------------------	---------------------------

PLAN AREA: Toro Area Plan	FLAGGED AND STAKED: No
----------------------------------	-------------------------------

ZONING DESIGNATION: LDR/B-6-D (Low Density Residential/Building Site Review – Design Control) and LDR/B-6-D (24) (Low Density Residential/Building Site Review – Design Control – 24 Foot Maximum Height)	
--	--

CEQA ACTION: N/A	
-------------------------	--

DEPARTMENT: RMA - Planning Department	
--	--

RECOMMENDATION:

It is recommended that the Board of Supervisors accept the following for the Oaks Subdivision:

1. Accept the Final Map, Tax Report from the Tax Collector, Subdivision Improvement Agreement, Subdivision Security, Conservation and Easement Deed, Drainage and Flood Control Systems Agreement, Road Maintenance Agreement, Notice (Construction of Debris Flow Walls), Notice (Tree Removal), Subdivision Title Guarantee and Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Tract.
2. Direct the Chair to sign the Subdivision Improvement Agreement, Conservation and Scenic Easement Deed, Road and Drainage Maintenance Agreement.
3. Direct the Clerk to the Board to submit the Final Map, Conservation and Scenic Easement Deed, Road and Drainage Maintenance Agreement, Notice (Construction of Debris Flow Walls), Notice (Tree Removal) and the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Tract to the County Recorder for filing.
4. Direct the Parks Department to deposit the Recreation in Lieu Fee of \$180.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities at Toro Park.

SUMMARY:

The developer has submitted a tax certificate in accordance with Section 66492 of the Subdivision Map Act and has met all the conditions of the approved standard subdivision tentative map. The preceding documents and fees need to be accepted by the Board before the Final Map can be filed for record.

DISCUSSION:

The Oaks Subdivision (PC94170) was approved by the Board of Supervisors on May 8, 2001. The Final Map of said subdivision proposes to divide an existing, approximately 325.7-acre parcel into nine residential lots ranging in size from 1.7 acres to 13.6 acres and a remainder parcel of 285.7 acres. The applicant has met the requirements of the Inclusionary Housing Ordinance by paying the required Inclusionary Housing In-Lieu Fee of \$117,758.00 in full. The recreation requirements of the Subdivision Ordinance have been met by payment of \$180.00 to the County; this money will be used to finance parks and recreation programs and facilities at Toro Park.


OTHER AGENCY INVOLVEMENT:

The applicant has met all the conditions from the Planning and Building Inspection Department, Health Department, Water Resources Agency, Public Works Department, Parks Department and the Salinas Rural Fire Protection District.

FINANCING:


There is no financial impact on the County General Fund. Development fees have been collected to finance the processing and review required for the applicant to proceed.

Prepared by:



Luis A. Osorio, Senior Planner
(831) 755-5177 osoriol@co.monterey.ca.us

Approved by:



Mike Novo, Interim Director
Planning Department

- Attachments: Board Order;
 Cover Letter;
 Final Map;
 Tax Report from the Tax Collector;
 Subdivision Improvement Agreement; Subdivision Security;
 Conservation and Scenic Easement Deed;
 Road and Drainage Maintenance Agreement;
 Notice (Construction of Debris Flow Walls);
 Notice (Tree Removal);
 Subdivision Title Guarantee;
 Conditions and Restrictions and Reservation of Easements for Tract
 Location Map.

ENCROACHMENT PERMIT NO. 06-551

Notify the Public Works Department at least 48 hours, exclusive of Saturdays, Sundays and legal holidays, before starting any permit work. Inspector Robert Palomino, 831-755-4955.

MONTEREY COUNTY
DEPARTMENT OF PUBLIC WORKS
168 W. Alisal St. 2nd Floor
Salinas, CA 93901
(831)755-4800

The use of this permit is prima facie evidence that the permittee has read and understands the terms.

ROAD: Pasco Vaqueros LOCATION:
BETWEEN: San Benancio Road AND: Paseo Cuarto DATE ISSUED: 29-Jun-06
AREA: Toro APN: 161-011-078 DISTRICT: Mon @ P-1

FEE: \$0.00 DATE PMT REC'D: 03-Apr-06 PMT METHOD: Check BY: rp

PERMITTEE: Ferrini Oaks, LLC 1:
C/O: 2:
ADDRESS: 365 Victor Street, Suite S
CITY: Salinas STATE CA ZIP: 93907
PHONE: (831) 758-4368x

In compliance of your request of 06/26/06 and subject to existing County Encroachment Ordinance and to all the terms, conditions and restrictions written below, printed on or attached to any part of this form,

PERMISSION IS HEREBY GRANTED TO:

Excavate 1,800 feet +/- trench to install underground eight inch water main facilities located on subject road per attached plans titled "Oaks Subdivision Water System".

In order to have this encroachment permit acknowledged as complete, work shall be in accordance with the above mentioned plan (if any), attached form TR and all pertinent sections of Monterey County Code Title 14.04.

Unless specified, no permit work or activity is to take place after: 31-Dec-06

EIR exempt by section: 15301 class: 1 (b)

Accepted by:  Canceled by: Date: 3-31-09

Copy: Permittee / Job Site / Inspector / Circulate / Foreman / Administration

Fund 002 Budget Unit 300 Organization 3000 Revenue # 4175

EL TUKO

CREEK

SAN

HERMOSO

SAN

SAN

ROAD 'A'

BENANCIO

ROAD 'B'

BENANCIO

BENANCIO

VAQUEROS

PASEO

PRIMERO

HERMOSO

SAN

SAN

Checked by	DATE
Approved by	DATE
Drawn by	DATE
Field notes	DATE
Field sketches	DATE
Field photos	DATE
Field measurements	DATE
Field calculations	DATE
Field reports	DATE
Field maps	DATE
Field diagrams	DATE
Field notes	DATE
Field sketches	DATE
Field photos	DATE
Field measurements	DATE
Field calculations	DATE
Field reports	DATE
Field maps	DATE
Field diagrams	DATE

APPROVED

 [Signature]

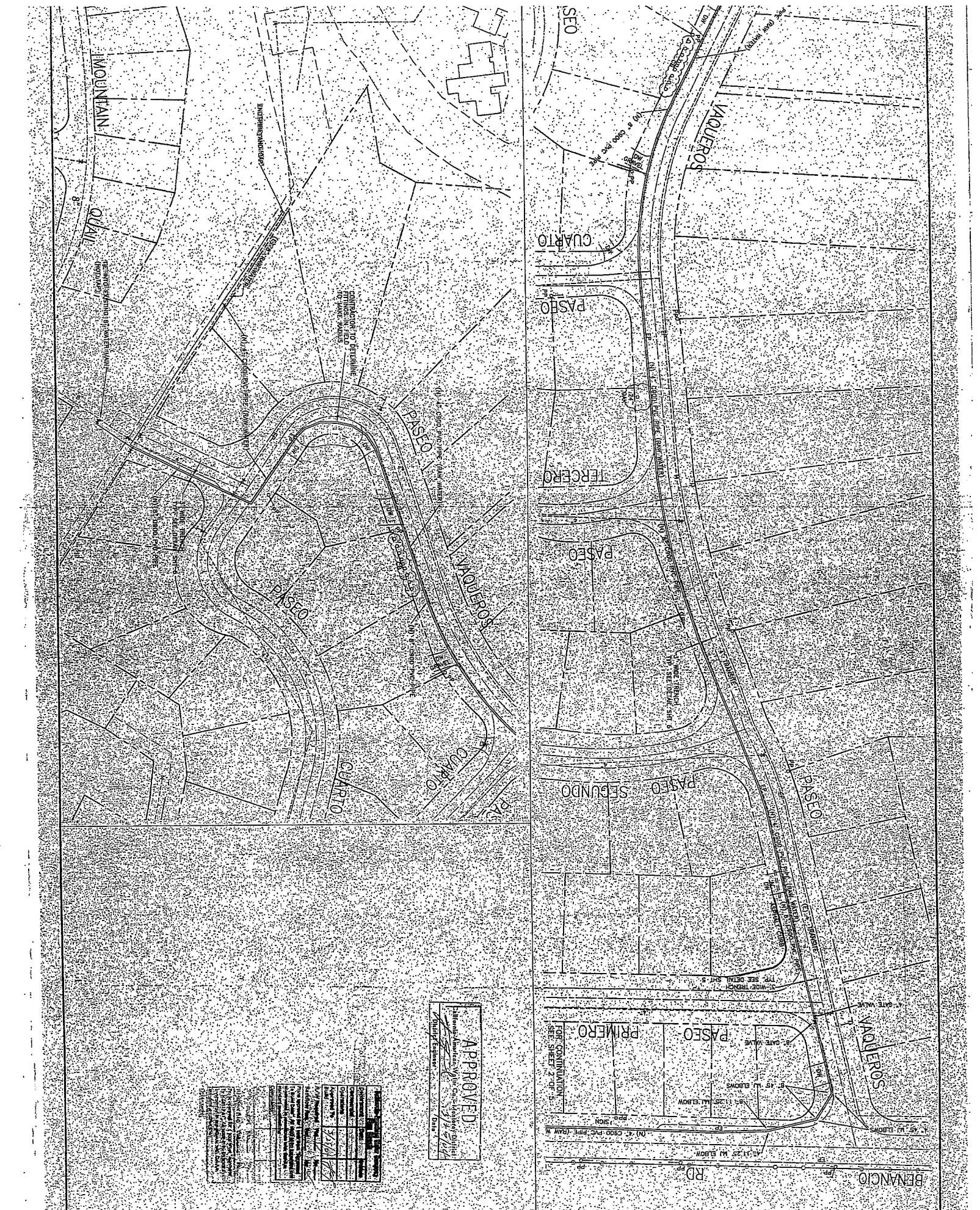
 [Signature]

BY	DATE	REVISIONS	JOB NO.

DATE: FEBRUARY 2004
 SCALE: 1"=50'



PLAN - SAN BENANCIO ROAD

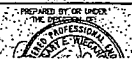


APPROVED:
 [Signature]
 Professional Engineer
 Date: 2/2/04

NO.	DESCRIPTION	DATE
1	PRELIMINARY	1/15/04
2	REVISED PER COMMENTS	1/20/04
3	REVISED PER COMMENTS	1/25/04
4	REVISED PER COMMENTS	1/30/04
5	REVISED PER COMMENTS	2/1/04
6	REVISED PER COMMENTS	2/2/04

PLAN-PASEO DE VAQUEROS

BY	DATE	REVISIONS	JOB NO.



PREPARED BY OR UNDER THE SUPERVISION OF
UTILITY SERVICES

FOR CONTINUATION
 SEE SHEET 2 OF 2

PASEO PRIMERO

PASEO

VAQUEROS

BENANCIO

RD

SEO
 CUARTO
 PASO
 TERCERO
 PASO
 PASO SEGUNDO
 PASO
 VAQUEROS

MOUNTAIN

QUARTO

PASEO

QUARTO

PASEO

QUARTO



OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP, AND THAT WE ARE THE ONLY PERSONS OR CORPORATION WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY, AND WE CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE BORDER LINE SHOWN THIS: _____

WE HEREBY DEDICATE FOR PUBLIC USE THOSE CERTAIN EASEMENTS FOR PUBLIC UTILITIES (INCLUDING, BUT NOT LIMITED TO GAS, ELECTRIC, WATER, TELEPHONE, COMMUNICATION, TELEVISION CABLE AND SANITARY SEWERS), AND FOR CLUSTER PORTAL BOXES AND THEIR NECESSARY APPURTENANCES ON, OVER, OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS UTILITY LANE AND BIG SKY LANE, SHOWN UPON SAID MAP WITHIN SAID SUBDIVISION SAID STRIPS OF LAND ARE TO BE LEFT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT ROADWAYS, DRIVEWAYS, UTILITY COMPANIES, STRUCTURES, IRRIGATION SYSTEMS, LAWN, FENCES, DRIVEWAYS, SIDEWALKS AND APPURTENANCES THERE TO.

WE ALSO HEREBY DEDICATE FOR PUBLIC USE THOSE CERTAIN EASEMENTS FOR STORM WATER DETENTION POND AND STORM DRAIN PIPELINES AS SHOWN WITHIN LOT 1 AND DESIGNATED "PARCEL 1" UPON SAID MAP.

WE ALSO HEREBY DEDICATE FOR PUBLIC USE THOSE CERTAIN EASEMENTS FOR SANITARY SEWERS, FOR WATER PIPELINES AND THAT ENGAGEMENT FOR DOMESTIC WATER WELL, PIPELINES PLANT, STORAGE TANKS, PIPELINES AND APPURTENANCES DESIGNATED "PARCEL 2" TOGETHER WITH THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS APPURTENANCE THERE TO, ALL AS SHOWN UPON SAID MAP.

WE FURTHER HEREBY DEDICATE TO THE COUNTY OF MONTEREY ANY AND ALL RIGHTS OF ACCESS TO ALL TRAFFIC TO AND FROM SAN BENANCIO ROAD ACCESS PORTIONS OF LOTS 13,4, AND 3, ALL AS SHOWN ON THE HEREIN MAP AND DESIGNATE A 10' NON-ACCESS STRIP _____

SUBJECT TO THE FOLLOWING INTERESTS WHICH CANNOT RIFEN INTO FEE, THE SIGNATURES OF WHICH ARE NOT REQUIRED PURSUANT TO SECTION 66426 (C) (1) OF THE GOVERNMENT CODE.

P.G.&E. CO., A CALIFORNIA CORPORATION, AS EASEMENT HOLDER BY DOCUMENT RECORDED IN VOLUME 1625 OF OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, AT PAGE 51.

WASHINGTON UNION SCHOOL DISTRICT AS EASEMENT HOLDER BY DOCUMENT RECORDED IN REEL 25 OF O.L. PAGE 329.

OWNERS:

FERRINI OAKS LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

BY Raymond Johnson

STATEMENT OF APPROVAL BY SECRETARY OF MONTEREY COUNTY PLANNING COMMISSION

I, Alicia S. Kniss, SECRETARY OF THE MONTEREY COUNTY PLANNING COMMISSION, HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF AS APPROVED BY THE MONTEREY COUNTY BOARD OF SUPERVISORS, ON MAY 19, 2006; THAT ALL THE PROVISIONS OF THE CALIFORNIA "SUBDIVISION MAP ACT" AS AMENDED, AND THE MONTEREY COUNTY CODE, TITLE 19 HAVE BEEN COMPLIED WITH.

Alicia S. Kniss 6-14-06
SECRETARY, MONTEREY COUNTY PLANNING COMMISSION, COUNTY OF MONTEREY, STATE OF CALIFORNIA

STATEMENT OF APPROVAL OF THE CLERK OF BOARD OF SUPERVISORS

I, Glenn, CLERK OF THE BOARD OF SUPERVISORS OF MONTEREY COUNTY, HEREBY STATE THAT SAID BOARD APPROVED THE WITHIN MAP ON 6/14/06, AND ACCEPTED ON BEHALF OF THE PUBLIC ALL OFFER OF DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

Glenn BY _____ DEPUTY
CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA

NOTARY STATEMENT

STATE OF CALIFORNIA } S.S.
COUNTY OF MONTEREY }
ON 6-25-06, BEFORE ME, Debbie Johnson, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Raymond Johnson AND SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED IT IN THEIR AUTHORIZED CAPACITIES, AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OF THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

Debbie Johnson
NOTARY PUBLIC IN AND FOR THE COUNTY OF Monterey, MY COMMISSION EXPIRES 1-15-09

COUNTY SURVEYOR'S STATEMENT

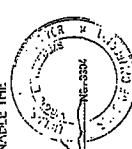
I, David L. Williams, COUNTY SURVEYOR OF MONTEREY COUNTY, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF AS APPROVED BY THE MONTEREY COUNTY BOARD OF SUPERVISORS, ON MAY 19, 2006; THAT ALL THE PROVISIONS OF THE CALIFORNIA "SUBDIVISION MAP ACT" AS AMENDED, AND THE MONTEREY COUNTY CODE, TITLE 19 HAVE BEEN COMPLIED WITH AND THAT THIS MAP IS TECHNICALLY CORRECT.

David L. Williams
COUNTY SURVEYOR OF MONTEREY COUNTY, CALIFORNIA
BY: _____ DEPUTY COUNTY SURVEYOR
JERRY L. CONNER, L.S. 754

SURVEYOR'S STATEMENT

I, Virgil L. Williams, LICENSED LAND SURVEYOR, DO HEREBY STATE THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION DURING JANUARY 2006, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THEY WILL BE SET IN SUCH POSITIONS ON OR BEFORE ONE YEAR AFTER THE RECORDATION OF THIS MAP BY THE MONTEREY COUNTY RECORDER, THE MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED: 1-19-2006
Virgil L. Williams
LICENSED LAND SURVEYOR 3504
EXPIRES 6-30-2006



RECORDER'S STATEMENT

FILED FOR RECORD AT THE REQUEST OF M.D. PETERS CO. INC. THIS 20th DAY OF JUNE, 2006, AT 11 MINUTES PAST 9 ANN. IN VOLUME 23 OF "CITIES & TOWNS" AT PAGE 32 RECORDS OF MONTEREY COUNTY, CALIFORNIA

Stephen L. Vagnini
COUNTY RECORDER
BY: Steph Vagnini DEPUTY

FEE \$ 15.00 G NO 1160158257

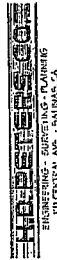
TRACT 14
THE OAKS
SUBDIVISION

(A PRIVATE ROAD SUBDIVISION)
SITUATE IN
RANCHO EL TORO
MONTEREY COUNTY, CALIFORNIA
APN 161-01-015
PREPARED FOR
FERRINI OAKS LLC
BY



TRACT 1466 THE OAKS SUBDIVISION

(A PRIVATE ROAD SUBDIVISION)
SITUATE IN
RANCHO EL TORO
MONTEREY COUNTY, CALIFORNIA
APN 161-011-078
PREPARED FOR
FERRINI OAKS LLC
BY



SCALE: 1"=100'
SHEET 2 OF 5

BASIS OF BEARINGS
THE BEARINGS NEAR CORNERS AS SHOWN HEREON ARE EASEMENTS AS SHOWN HEREON ARE EASEMENTS TO THE CENTERLINE OF SAN BENANCIO ROAD ON THIS MAP IS THE SAME AS SHOWN FOR THE CENTERLINE OF SAID ROAD ON MAP FILED FOR RECORD IN VOLUME 18, SURVEY PG. 21 AND HAS ESTABLISHED FROM FOUND MONUMENTS MARKING SAID LINE.

NOTE: ROAD "A" AND ROAD "B" AS SHOWN HEREON ARE EASEMENTS TO THE CENTERLINE OF SAN BENANCIO ROAD ON THIS MAP IS THE SAME AS SHOWN FOR THE CENTERLINE OF SAID ROAD ON MAP FILED FOR RECORD IN VOLUME 18, SURVEY PG. 21 AND HAS ESTABLISHED FROM FOUND MONUMENTS MARKING SAID LINE.

THIS IS SUBDIVISION OF A PORTION OF THAT TRACT OF LAND AS CONVEYED TO BOLLENEAGHER AND KELTON INC. BY DOCUMENT RECORDED IN REEL 1578 OF MONTEREY COUNTY, CALIFORNIA AT PAGE 659 AND CONTAINS 40.001 ACRES OF LAND.

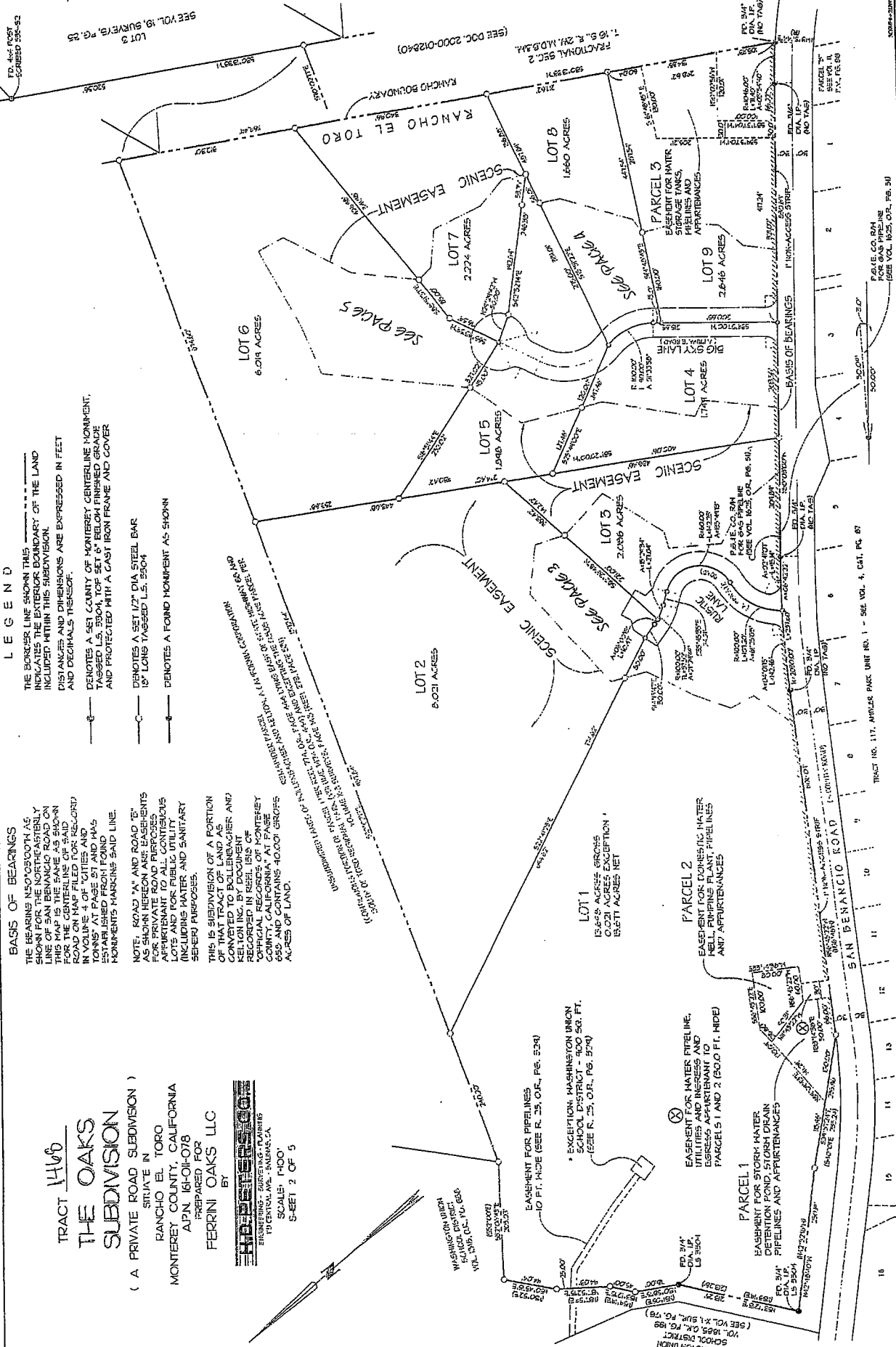
LEGEND

THE BORDER LINE SHOWN THIS MAP IS THE INTERIOR BOUNDARY OF THE LAND INCLUDED WITHIN THIS SUBDIVISION. DISTANCES AND DIMENSIONS ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

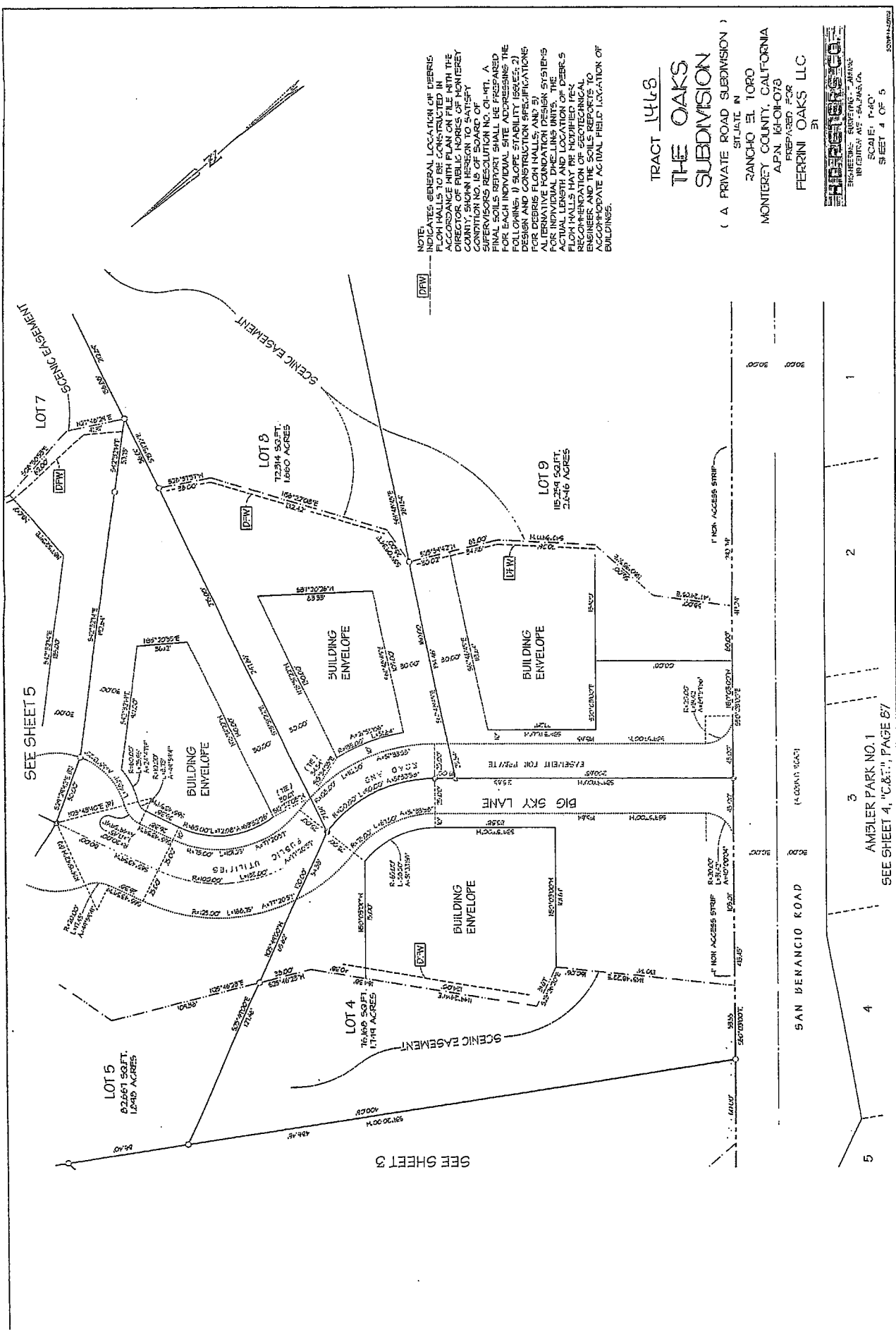
--- DENOTES A SET COUNTY OF MONTEREY CENTERLINE MONUMENT, TAPPED L.S. 3504, TOP SET 6" BELOW FINISHED GRADE AND PROTECTED WITH A CAST IRON FRAME AND COVER

--- DENOTES A SET 1/2" DIA STEEL BAR 18" LONG TAPPED L.S. 3504

--- DENOTES A FOUND MONUMENT AS SHOWN



TRACT NO. 117, APPLICABLE PARCEL UNIT NO. 1 - SEE VOL. 4, SET PG. 87
PARCEL CO. 204 FOR GAS PIPELINE (SEE VOL. 1025, DIST. PG. 24)



NOTE: INDICATES GENERAL LOCATION OF DEBRIS FLOW HALLS TO BE CONSTRUCTED IN ACCORDANCE WITH THE PLAN ON FILE WITH THE COUNTY OF PUBLIC WORKS, MONTEREY COUNTY, SHOWN HEREIN TO SATISFY CONDITION NO. 15 OF BOARD OF SUPERVISORS RESOLUTION NO. 01-91. A FINAL SOILS REPORT SHALL BE PREPARED FOR EACH INDIVIDUAL SITE ADDRESSING THE DESIGN AND CONSTRUCTION SPECIFICATIONS FOR DEBRIS FLOW WALLS; AND 5) ALTERNATIVE FOUNDATION DESIGN SYSTEMS FOR INDIVIDUAL DWELLING UNITS. THE ACTUAL LENGTH AND LOCATION OF DEBRIS FLOW WALLS SHALL BE DETERMINED BY THE RECOMMENDATION OF GEOTECHNICAL ENGINEER AND THE SOILS REPORTS TO ACCOMMODATE ACTUAL FIELD LOCATION OF BUILDINGS.

TRACT 1448
THE OAKS
 SUBDIVISION
 (A PRIVATE ROAD SUBDIVISION)
 SITUATE IN
 RANCHO EL TORO
 MONTEREY COUNTY, CALIFORNIA
 APN. 16-010-078
 PREPARED FOR
FERRINI OAKS LLC
 BY

THE FERRINI GROUP
 ENGINEERS, ARCHITECTS, PLANNERS
 18 COUNTRY AVE. - SAN FRANCISCO, CA
 SCALE: 1"=40'
 SHEET 4 OF 5

SEE SHEET 3
 SEE SHEET 5
 SEE SHEET 4, "C&T", PAGE 67

SAN BENANCIO ROAD

AMBLER PARK NO. 1

4

5

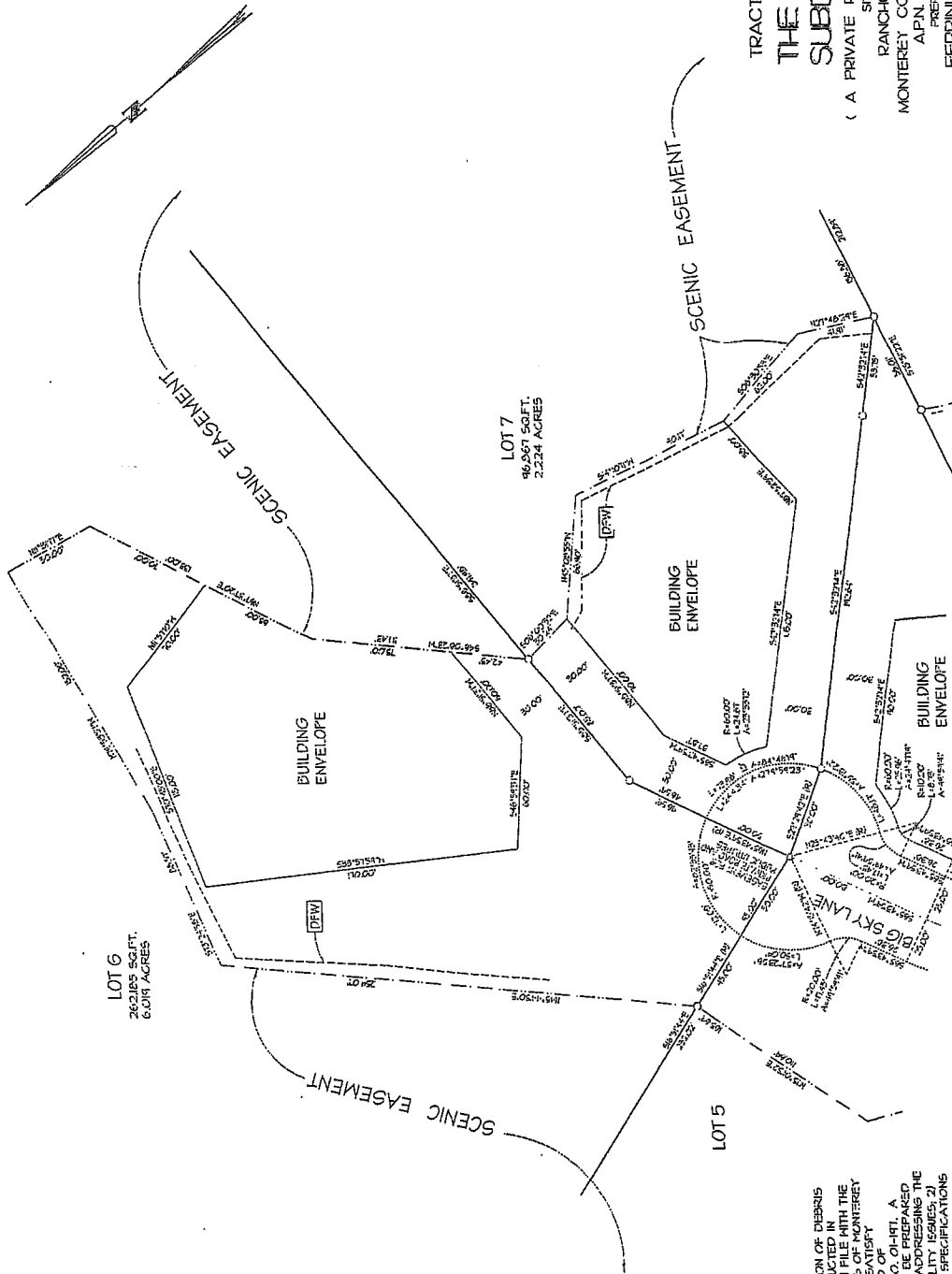
1

2

3

4

5



TRACT 14168
THE OAKS
 SUBDIVISION
 (A PRIVATE ROAD SUBDIVISION)
 SITUATE IN
 RANCHO EL TORO
 MONTEREY COUNTY, CALIFORNIA
 APN 16-011-078
 PREPARED FOR
 FERRINI OAKS LLC
 BY

FERRINI ENGINEERING & ARCHITECTURE
 ENGINEERING, ARCHITECTURE, LANDSCAPE ARCHITECTURE
 189 CENTRAL AVE. - SAN JUAN, CA
 SCALE: 1"=40'
 SHEET 5 OF 5

NOTE: INDICATES GENERAL LOCATION OF DEBRIS FLOW HALLS TO BE CONSTRUCTED IN ACCORDANCE WITH PLAN ON FILE WITH THE DIRECTOR OF PUBLIC WORKS OF MONTEREY COUNTY UNDER PERMIT NO. 18-001-001-001. SUPERVISORS RESOLUTION NO. 01-181. A FINAL SOILS REPORT SHALL BE PREPARED FOR EACH INDIVIDUAL SITE ADDRESSING THE FOLLOWING: 1) SLOPE STABILITY ISSUES; 2) DESIGN AND CONSTRUCTION OF DEBRIS FLOW HALLS; AND 3) ALTERNATIVE FOUNDATION DESIGN SYSTEMS FOR INDIVIDUAL DWELLING UNITS. THE ACTUAL LENGTH AND LOCATION OF DEBRIS FLOW HALLS SHALL BE DETERMINED BY THE ENGINEER AND THE SOILS REPORTS TO ACCOMMODATE ACTUAL FIELD LOCATION OF BUILDINGS.

SEE SHEET 4

VanHorn, Roger W. x4763

From: Saavedra, Enrique M. Ext. 8970
Sent: Wednesday, August 30, 2006 8:22 AM
To: VanHorn, Roger W. x4763
Subject: FW: Ambler Park/Cal Am water and The Oaks Subdivision

Roger,
FYI

~Enrique M. Saavedra

-----Original Message-----

From: Weeks, Curtis Ext.4896
Sent: Tuesday, August 29, 2006 2:03 PM
To: 'Sheri'
Cc: Saavedra, Esmeralda x3440; mkelton054@aol.com; Cristy Stone; Nancy; Palomino, Robert Ext.4955
Subject: RE: Ambler Park/Cal Am water and The Oaks Subdivision

I've called Enrique noting the Oaks well is in Zones 2C and 2A and is treated at the ambler well/treatment cite and returned in dedicated lines. Hence the WRA has no concern of reason to stop the Oaks subdivision from completing their work

-----Original Message-----

From: Sheri [mailto:Sheri@lombgill.com]
Sent: Tuesday, August 29, 2006 12:57 PM
To: Weeks, Curtis Ext.4896
Cc: Saavedra, Esmeralda x3440; mkelton054@aol.com; Cristy Stone; Nancy; Palomino, Robert Ext.4955
Subject: Ambler Park/Cal Am water and The Oaks Subdivision

Curtis:

Thanks for returning my call this morning. This will confirm that you do not have an issue with the work which is being performed out at the Oaks Subdivision relative to the water system being installed for Ambler Park/Cal Am. Your staff has confirmed the project is located within the 2c zone so there are no issues.

Mr. Palomino has requested that you confirm either by phone or e-mail to Mr. Saavedra that you are fine with the work proceeding before he will lift the "Stop Work" order. As you can imagine, my clients are concerned with any delays in proceeding with the work as it can result in increased costs. Thank you in advance for your prompt notification to Mr. Saavedra (755-8970) who in turn will advise Mr. Palomino to release the stop work order.

Sincerely,
Lombardo & Gilles

Sheri L. Damon

VanHorn, Roger W. x4763

From: Dennis, Mary Anne x4557
Sent: Wednesday, August 16, 2006 4:43 PM
To: LeWarne, Richard x4544; Weeks, Curtis Ext.4896; Lundquist, Ron Ext.4831; Novo, Mike x5192
Cc: 100-District 5 (831) 647-7755; Stroh, Allen J. x4539; Ramirez, John x4542; VanHorn, Roger W. x4763
Subject: Correction RE: water and sewer work on San Benancio

To All:

not correct
I want to set the record straight regarding the e-mails below. I gave Richard the wrong information. Both the Oaks and Ambler Park wells are in Zone 2. The issue is that water to supply the Oaks would come from a B-8 area (Ambler Park) for a new subdivision. This was not to be allowed until the follow-up study to the Fugro report was conducted.

In addition, a concern that Cal-Am would ultimately connect the Ambler park water system and the Toro water service has been addressed in an Agreement between the Ambler Park water system and the Oaks developers, B&K, that states that this Zone 2 water will not be transported out of Zone 2.

I apologize for the confusion. Staff from EH and WRA will meet in the field tomorrow morning to investigate further.

-----Original Message-----

From: LeWarne, Richard x4544
Sent: Wednesday, August 16, 2006 8:32 AM
To: Weeks, Curtis Ext.4896; Lundquist, Ron Ext.4831; Novo, Mike x5192
Cc: 100-District 5 (831) 647-7755; Stroh, Allen J. x4539; Ramirez, John x4542; Dennis, Mary Anne x4557
Subject: FW: water and sewer work on San Benancio
Importance: High

To All:

Mary Anne talked to Gary Hofshire with Cal Am. He confirmed that Cal Am has hired Chapin Co. to install water lines between the Ambler Treatment plant and the Oaks subdivision. The water from the well that was to be the water source for the Oaks subdivision is being piped back to the Ambler Park treatment plant to balance the water that is being transferred from Zone 2 (Ambler Park). Mary Anne also asked if meters were being installed to make sure that the water being transferred from Zone 2 was being balanced by water from the Oaks. Mr. Hofshire confirmed that meters were being installed. Has this been approved? If it has been approved is there a reporting mechanism in place to monitor and ensure the water balance transfer?

-----Original Message-----

From: LeWarne, Richard x4544
Sent: Tuesday, August 15, 2006 5:04 PM
To: Weeks, Curtis Ext.4896
Cc: 100-District 5 (831) 647-7755; Novo, Mike x5192; Lundquist, Ron Ext.4831; Ellis, Dale x5191
Subject: RE: water and sewer work on San Benancio
Importance: High

Curtis:

Please read e-mails below. From what we can find out from Chapin Company who is installing the water lines between Ambler Park Water System (Zone 2) and The Oaks subdivision is as follows: Chapin Company is installing a water line that will transfer water from the treatment system of the Ambler Water Treatment facilities to the Oaks subdivision. The water from the Oaks subdivision well is to be then piped to the Ambler Water System. Apparently to balance the water being sent from the Ambler Park Water System. We have yet been able to verify if that is the case with Cal Am. We are continuing attempting to contact a knowledgeable representative at Cal Am. Is your Agency

aware of this "water transfer" from Zone 2 and back?

Chapin Co. indicates that they have plans approved by Public Works.

-----Original Message-----

From: 100-District 5 (831) 647-7755
Sent: Tuesday, August 15, 2006 4:38 PM
To: LeWarne, Richard x4544; 100-District 5 (831) 647-7755; Novo, Mike x5192; Ellis, Dale x5191; Lundquist, Ron Ext.4831
Subject: RE: water and sewer work on San Benancio

Richard, Mike, Dale and Ron,

I wanted to pass on additional information that was left on our voicemail, and we have received 2 more calls of concern about this topic. Your input is greatly appreciated.
Kathleen

From a San Benancio Road resident "Oaks subdivision they have started work on and they are running a water line up San Benancio to connect to the Oaks which is going across the B-8 line. BoS minutes says the statement is that the Oaks is on a stand-alone water system run by Cal-Am. Just this last week Don Chapin Co. say they are running a water line to share water between Ambler Park and Oaks subdivision. DP should also know there is a shopping center at the bottom of Corral De Tierra are paying for some type of study to get water. Should be looked in to. He and many others are concerned."

-----Original Message-----

From: LeWarne, Richard x4544
Sent: Tuesday, August 15, 2006 10:44 AM
To: 100-District 5 (831) 647-7755; Novo, Mike x5192; Ellis, Dale x5191; Lundquist, Ron. Ext.4831
Subject: RE: water and sewer work on San Benancio

We are following up on this. We are getting some conflicting information from Chapin Co. and CalAm. We are working on resolving the understanding of what the work is about. Once we find out we can discuss appropriate actions.

-----Original Message-----

From: 100-District 5 (831) 647-7755
Sent: Tuesday, August 15, 2006 8:47 AM
To: Novo, Mike x5192; Ellis, Dale x5191; Lundquist, Ron Ext.4831;
LeWarne, Richard x4544
Subject: FW: water and sewer work on San Benancio

Mike, Dale, Ron and Richard,

I am surprised that we haven't received more calls on this one because usually this topic generates a lot of contacts to our office. Could you kindly let me know of a status on this issue and what the best response to [REDACTED] would be?

Thank you in advance for your help.
Kathleen

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, August 15, 2006 8:28 AM
To: 100-District 5 (831) 647-7755
Subject: water and sewer work on San Benancio

Water and sewer lines are being installed on San Benancio road near hwy 68. This is part of a piecemeal development that includes the "San Benancio Oaks" and "Encina Hills". They are connecting Amber Park water with the San Benancio Oaks water. This violates both the conditions of sale of Ambler Park to Cal Am and the conditions of the Oaks approval.

They are connecting to a sewer system that is already 25% over capacity. A system run by Calif. Utilities Services and Mr. Adcock,

who routinely ignores regulations. The county planning office staff that we have been interacting with has left, and it is not clear what if any oversight remains.

Since the county is not willing or able to supervise developers, is litigation our only recourse?

Thanks for any information you might have.

--




California
American Water

October 20, 2006

Curtis Weeks
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

RECEIVED

OCT 24 2006

DWP / EHR

ENVIRONMENTAL HEALTH
OCT 23 2006
HEALTH DEPARTMENT

***Subject: Ambler Oaks Subdivision Quarterly Water Demand
Monitoring by California American Water***

Dear Mr. Weeks,

In response to your request for quarterly monitoring of the water usage from the Ambler Oaks subdivision, California American Water hereby commits to monitor, on a quarterly basis, both (1) the production records from the new Ambler Oaks Well and (2) the water consumption as recorded from our water meter records for the 9 lots in the Ambler Oaks subdivision. This will be provided to your agency on a quarterly basis for your review. The first quarter of monitoring will begin as soon as the first property is ready for a water service connection.

Sincerely,
California American Water


Steve Leonard
General Manager

cc: Roger Van Horn, Monterey County Environmental Health

VanHorn, Roger W. x4763

From: Weeks, Curtis Ext.4896
Sent: Friday, November 03, 2006 11:08 AM
To: Moss, Tom Ext.4968; VanHorn, Roger W. x4763
Subject: Oaks sub

We are in receipt of a letter from Cal am that will account for the water produced by the Oaks well and consumed by the Oaks subdivision on a quarterly basis. This will satisfy our concern re: Salinas basin groundwater exportation.

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

- a. Accept the Oaks Subdivision Improvements as completed; and)
- b. Approve release of four Faithful Performance Bonds issued by Financial Pacific Insurance Company for infrastructure improvements for the Oaks Subdivision in the amounts of \$635,020, \$468,000, \$82,620 and \$566,360.....)

Upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried by those members present, the Board hereby:

- a. Accepts the Oaks Subdivision Improvements as completed; and
- b. Approves release of four Faithful Performance Bonds issued by Financial Pacific Insurance Company for infrastructure improvements for the Oaks Subdivision in the amounts of \$635,020, \$468,000, \$82,620 and \$566,360.

PASSED AND ADOPTED on this 26th day of February 2008, by the following vote, to wit:

AYES: Supervisors Potter, Salinas, Calcagno, and Armenta

NOES: None

ABSENT: None

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 74 for the meeting on February 26, 2008.

Dated: March 3, 2008

Lew C. Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California

By Denise Pennell
Denise Pennell, Deputy

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING:	February 26, 2008 – Consent	AGENDA NO.:
SUBJECT:	a. Accept the Oaks Subdivision Improvements as completed; and b. Approve release of four Faithful Performance Bonds issued by Financial Pacific Insurance Company for infrastructure improvements for the Oaks Subdivision in the amounts of \$635,020, \$468,000, \$82,620 and \$566,360.	
DEPARTMENT:	RMA - Public Works	

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Accept the Oaks Subdivision Improvements as completed; and
- b. Approve release of four Faithful Performance Bonds issued by Financial Pacific Insurance Company for infrastructure improvements for the Oaks Subdivision in the amounts of \$635,020, \$468,000, \$82,620 and \$566,360.

SUMMARY/DISCUSSION:

The Board approved the Final Map and Subdivision Agreement for the Oaks Subdivision on June 20, 2006. The subdivider has fulfilled the conditions of the Subdivision Agreement, and the subdivider's consulting engineer has inspected the improvements and certified their completion as to conformance with the approved plans. The Labor and Materials Securities in the amounts of \$317,510, \$234,000, \$41,310 and \$283,180 are not being released at this time in accordance with Government Code Section 66499.7(b) (Subdivision Map Act).

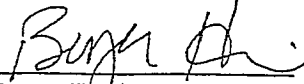
OTHER AGENCY INVOLVEMENT:

Environmental Health, RMA Planning Department and Water Resources Agency concur that the infrastructure improvements are complete and the Faithful Performance Bonds can be released.

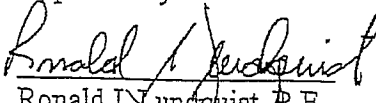
FINANCING:

Sufficient appropriations are available in the County Surveyor budget (Fund 001, Budget 199) to finance this work. The cost of the bond release processing is funded with developer fees.

Prepared by:


Bryce Hori
Assistant Engineer

Approved by:

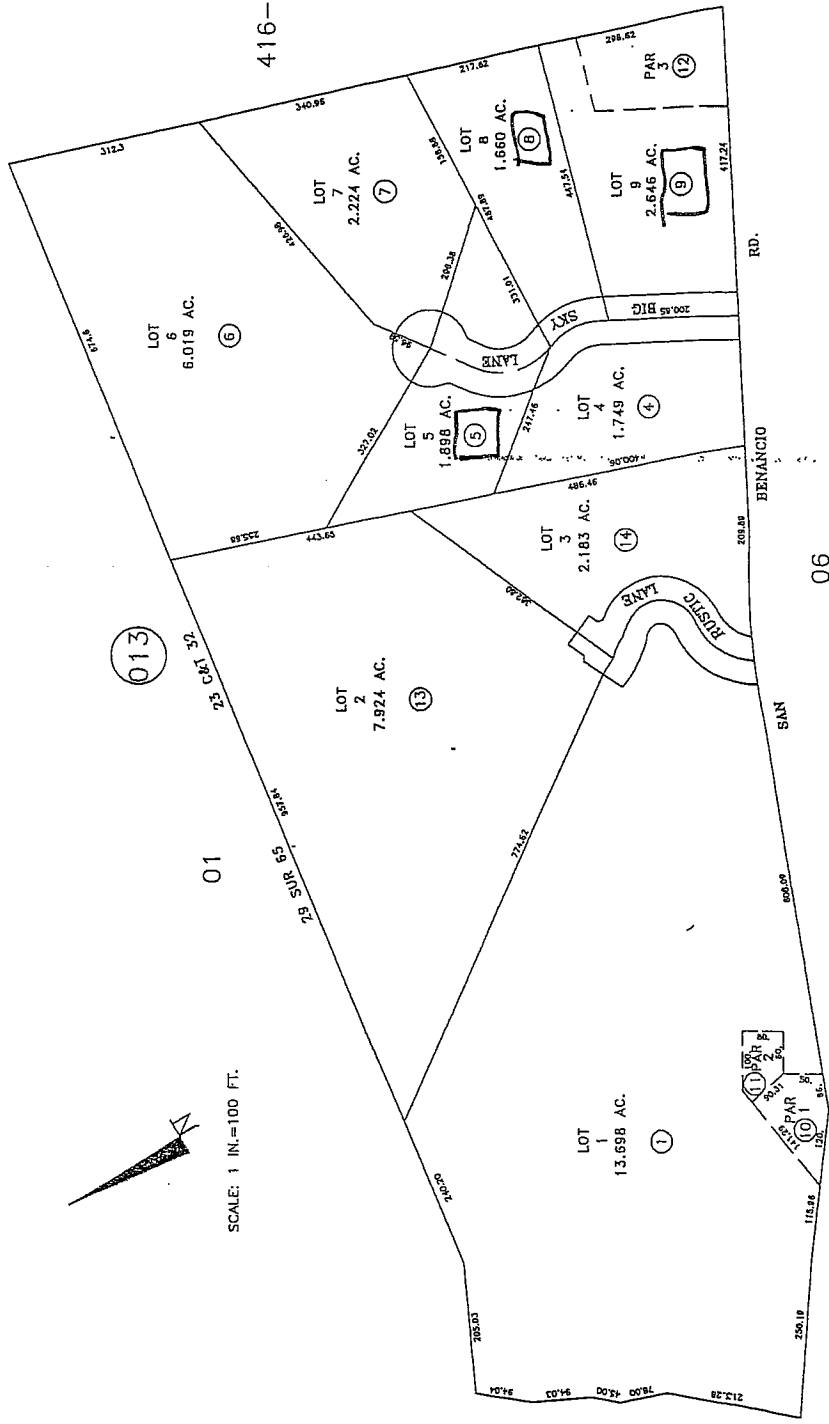

Ronald J. Lundquist, P.E.
Public Works Director

Dated: February 15, 2008

Attachments: Board Order; Notice of Completion from Engineer; Agreement; Location Map

TAX CODE AREA

416-21




SCALE: 1 IN.=100 FT.

TRACT NO. 1468
OAKS SUBDIVISION
RECORDED 6-30-06

EL TORO RD.
POR OF LOT 4

THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY

161-013-005-000


15125 Big Sky Lane
Salinas, CA 93908

DA060525

DESIGN APPROVAL TO ALLOW FOR THE CONSTRUCTION OF A 4,603 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING WITH A 495 SQUARE FOOT ATTACHED 2 -CAR GARAGE, AND A 305 SQUARE FOOT ONE-CAR GARAGE, A 231 SQUARE FOOT COVERED PORCH, A 105 SQUARE FOOT SECOND STORY DECK, AND THE REMOVAL OF ONE PROTECTED OAK TREE. MATERIALS AND COLORS: EXTERIOR WALLS (SHERWIN WILLIAMS 6106/KILIM BEIGE), TRIM (SHERWIN WILLIAMS 6109/HOPSACK), ROOFING (EAGLE ROOF TILE/CAPISTRANO 3605). THE PROPERTY IS LOCATED AT 15125 BIG SKY LANE, SALINAS (ASSESSOR'S PARCEL NUMBER 161-013-005-000), SOUTHERLY OF SAN BENANCIO CANYON ROAD, TORO AREA PLAN. CLEARED

DA070158

DESIGN APPROVAL TO ALLOW FOR THE CONSTRUCTION OF PRIMARY DEBRIS FLOW WALLS AND SECONDARY DEBRIS WALLS LOCATED ON THREE SEPARATE PARCELS (LOT 5, LOT 9, AND LOT 8) AS REQUIRED PER CONDITION 18 OF FILE NUMBER PC94170 (BOARD OF SUPERVISORS RESOLUTION NUMBER 01-197). MATERIALS AND COLORS: PRIMARY WALLS (PRESSURE TREATED DOUGLAS FIR/BROWN), SECONDARY WALLS (STUCCO/SHERWIN WILLIAMS #6107/NOMADIC DESERT). THE PROPERTIES ARE LOCATED ON BIG SKY LANE, SALINAS (ASSESSOR'S PARCEL NUMBERS 161-013-005, 161-013-009-000, 161-013-008-000) TORO AREA. CLEARED

BP063167

CONSTRUCTION OF A NEW 4,603 SQUARE FOOT TWO STORY SINGLE FAMILY DWELLING WITH A 495 SQUARE FOOT ATTACHED 2-CAR GARAGE, AND A 305 SQUARE FOOT ONE-CAR GARAGE, A 231 SQUARE FOOT COVERED PORCH, AND A 105 SQUARE FOOT SECOND STORY DECK. FIRE SPRINKLERS(MASTER PLAN BP061526)CROSS STREET: SAN BENANCIO ROAD BUILDING FINAL
4/1/2009


BP070057

CONSTRUCTION OF A NEW 120 FOOT

LONG, 5 FOOT HIGH SECONDARY
DEBRIS FLOW WALLCROSS STREET:
SAN BENANCIO ROAD BUILDING FINAL
4/1/09

GP070010
GRADING FOR NEW SINGLE FAMILY
DWELLING AND DRIVEWAY 300 CUBIC
YARD OF CUT AND 300 CUBIC YARD OF
FILL GRADING FINAL 12/18/08

161-013-008-000


15115 Big Sky Lane
Salinas, CA 93908

DA060524

DESIGN APPROVAL TO ALLOW FOR THE CONSTRUCTION OF NEW 5,335 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING WITH A 652 SQUARE FOOT ATTACHED 2-CAR GARAGE, AND A 373 SQUARE FOOT ONE-CAR GARAGE, A 116 SQUARE FOOT COVERED PORCH, AND A 92 SQUARE FOOT SECOND STORY DECK, THE REMOVAL OF TWO PROTECTED OAK TREES, AND MINOR GRADING OUTSIDE OF THE BUILDING ENVELOPE. MATERIALS AND COLORS: EXTERIOR WALLS (SHERWIN WILLIAMS 6078/REALIST BEIGE), TRIM (SHERWIN WILLIAMS 6080/UTTERLY BEIGE), ROOFING (EAGLE FLAT TILE/BEL-AIR 4687), STONE (EL DORADO FIELDLEDGE/ANDANTE). THE PROPERTY IS LOCATED AT 15115 BIG SKY LANE, SALINAS (ASSESSOR'S PARCEL NUMBER 161-013-008-000), SOUTHERLY OF SAN BENANCIO CANYON ROAD, TORO AREA PLAN. CLEARED

DA070158

DESIGN APPROVAL TO ALLOW FOR THE CONSTRUCTION OF PRIMARY DEBRIS FLOW WALLS AND SECONDARY DEBRIS WALLS LOCATED ON THREE SEPARATE PARCELS (LOT 5, LOT 9, AND LOT 8) AS REQUIRED PER CONDITION 18 OF FILE NUMBER PC94170 (BOARD OF SUPERVISORS RESOLUTION NUMBER 01-197). MATERIALS AND COLORS: PRIMARY WALLS (PRESSURE TREATED DOUGLAS FIR/BROWN), SECONDARY WALLS (STUCCO/SHERWIN WILLIAMS #6107/NOMADIC DESERT). THE PROPERTIES ARE LOCATED ON BIG SKY LANE, SALINAS (ASSESSOR'S PARCEL NUMBERS 161-013-005, 161-013-009-000, 161-013-008-000) TORO AREA. CLEARED

BP063168

CONSTRUCTION OF A NEW 5,335 SQUARE FOOT TWO STORY SINGLE FAMILY DWELLING WITH A 652 SQUARE FOOT ATTACHED 2-CAR GARAGE, AND A 373 SQUARE FOOT ONE-CAR GARAGE, A 116 SQUARE FOOT COVERED PORCH, AND A 92 SQUARE FOOT SECOND STORY DECK. HOUSE PLAN #3 (MASTER PLAN BP061527) CROSS STREET: SAN BENANCIO BUILDING FINAL 4/1/2009


BP070059

CONSTRUCTION OF A NEW 80 FOOT
LONG, 3 FOOT HIGH PRIMARY DEBRIS
FLOW WALL, A 75 FOOT LONG, 5 FOOT
TO 6 FOOT HIGH SECONDARY UPPER
DEBRIS FLOW WALL, AND A 140 FOOT
LONG, 3 FOOT TO 6 FOOT HIGH
SECONDARY LOWER DEBRIS FLOW
WALL. CROSS STREET: SAN BENANCIO
ROAD BUILDING FINAL 4/1/09

GP070011

GRADING FOR NEW SINGLE FAMILY
DWELLING AND DRIVEWAY 300 CUBIC
YARD OF CUT AND 300 CUBIC YARD OF
FILL GRADING FINAL 12/18/08

161-013-009-000


15105 Big Sky Lane
Salinas, CA 93908

DA060526

DESIGN APPROVAL TO ALLOW FOR THE CONSTRUCTION OF A 3,608 SQUARE FOOT ONE-STORY SINGLE FAMILY DWELLING WITH A 480 SQUARE FOOT ATTACHED TWO-CAR GARAGE, AND A 320 SQUARE FOOT ONE-CAR GARAGE, A 114 SQUARE FOOT COVERED PORCH, AND MINOR GRADING OUTSIDE OF THE BUILDING ENVELOPE. MATERIALS AND COLORS: EXTERIOR WALLS (SHERWIN WILLIAMS 6100/PRACTICAL BEIGE), TRIM (SHERWIN WILLIAMS 6102/PORTABELLO), ROOFING (EAGLE ROOF TILE/CAPISTRANO 3605). THE PROPERTY IS LOCATED AT 15105 BIG SKY LANE, SALINAS (ASSESSOR'S PARCEL NUMBER 161-013-009), SOUTHERLY OF SAN BENANCIO CANYON ROAD, TORO AREA PLAN. CLEARED

DA070158

DESIGN APPROVAL TO ALLOW FOR THE CONSTRUCTION OF PRIMARY DEBRIS FLOW WALLS AND SECONDARY DEBRIS WALLS LOCATED ON THREE SEPARATE PARCELS (LOT 5, LOT 9, AND LOT 8) AS REQUIRED PER CONDITION 18 OF FILE NUMBER PC94170 (BOARD OF SUPERVISORS RESOLUTION NUMBER 01-197). MATERIALS AND COLORS: PRIMARY WALLS (PRESSURE TREATED DOUGLAS FIR/BROWN), SECONDARY WALLS (STUCCO/SHERWIN WILLIAMS #6107/NOMADIC DESERT). THE PROPERTIES ARE LOCATED ON BIG SKY LANE, SALINAS (ASSESSOR'S PARCEL NUMBERS 161-013-005, 161-013-009-000, 161-013-008-000) TORO AREA. CLEARED

BP062091

CONSTRUCT TWO NEW ENTRIES AND GATES FOR "THE OAKS"
SUBDIVISION CROSS STREET: SAN BENANCIO BUILDING FINAL 7/7/08

BP063169

CONSTRUCTION OF A NEW 3,608

4/1/09

BP070060

CONSTRUCTION OF A NEW 145 FOOT LONG, 3 FOOT HIGH PRIMARY DEBRIS FLOW WALL, A 125 FOOT LONG, 3 FOOT TO 6 FOOT HIGH SECONDARY UPPER DEBRIS FLOW WALL, AND A 175 FOOT LONG, 3 FOOT TO 6 FOOT HIGH SECONDARY LOWER DEBRIS FLOW WALL. CROSS STREET: SAN BENANCIO ROAD BUILDING FINAL 4/1/09

GP070012

GRADING FOR NEW SINGLE FAMILY DWELLING AND DRIVEWAY 300 CUBIC YARD OF CUT AND 300 CUBIC YARD OF FILL GRADING FINAL 12/18/08

VanHorn, Roger W. x4763

From: VanHorn, Roger W. x4763
Sent: Thursday, September 09, 2010 9:56 AM
To: Leslie.Jordan@amwater.com
Cc: 'Moltrup, Querube (CDPH-DDWEM)'; LeWarne, Richard x4544; Sandoval, Cheryl L. x4552
Subject: Oaks / Harper Cyn water system

Hi Leslie,

A quick e-mail on our phone conversation yesterday, letter will follow

The conditions for both subdivisions were that the Oaks and Harper Cyn water system must be run as a stand-a-lone water system, not a part of the Ambler Park system, Cal Am is to own and operate the system. Cal Am will need to make an application to EHB for the permit. Also as we discussed, Cal Am must submit monthly meter reading for the flow from the Oaks and Harper Cyn wells (when it comes on line) into the Ambler Park treatment plant and the flow going back to the Oaks/Harper Cyn water system. The reason is water going from zone 2C (both Oaks and Harper wells are in zone 2C) into the B8, more detail in follow up letter.

If you have any questions please call

Thanks, Roger

*Roger Van Horn, R.E.H.S.
Senior Environmental Health Specialist
Monterey County Health Department,
Environmental Health Bureau
Environmental Health Review Land Use
1270 Natividad, Rm 42B
Salinas, CA 93906
Phone: 831.755-4763
Fax: 831.755.8929*

MONTEREY COUNTY



DEPARTMENT OF HEALTH

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

Sept 28, 2010

Leslie Jordan, Environmental Specialist
California-American Co.
511 Forest Lodge Rd, Suite 100
Pacific Grove, Ca, 93950

Dear Ms. Jordan

This letter is a follow up to our phone conversation and my e-mail regarding the requirement of a stand alone water system for the Oaks and Harper Cyn Subdivisions (O/HCS) that can not be a part of Ambler Park water system (APWS).

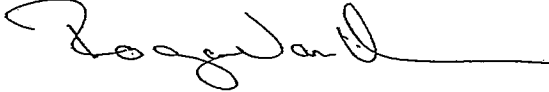
In the conditions of approval for both the Oaks and Harper Cyn projects, it states that the O/HCS shall be operated as a stand alone water system, operated and owned by Cal Am. The project applicant shall convey to the water purveyor, Cal Am, the wells, completed water distribution infrastructure and fire flow infrastructure at no expense to Cal Am nor its customers. The wells that supply water to O/HCS are both over the MCL for Arsenic and must be treated to meet drinking water standard requirements set forth in Title 22. The APWS treatment plant treats for Arsenic removal and has capacity to treat the water from O/HCS wells thus providing potable water to the O/HCS water system.

All the parcels for the O/HCS are located within the zone 2C boundaries and as such, benefit from the Salinas Valley Water Project established by the Monterey County Water Resource Agency. The APWS services area and its wells are in the B8 zoning area. Water from the B8, which is an area designated to be in over draft, can not be used to supply water to an area outside the B8 boundaries. Water from the wells for O/HCS shall be metered to APWS water treatment facility, treated for Arsenic removal, then metered back to O/HCS on a one to one bases,. Again, Cal Am will operate the O/HCS as a stand alone water system. Cal Am will be required to submit monthly reports of the meter readings to Environmental Health Bureau (EHB) for review.

The O/HCS water system will have 26-30 connections; any water system with less then 200 connections is regulated by the Local Primacy Agency (LPA), EHBs Drinking Water Protection Service (DWPS) is the LPA for Monterey County. Please contact Cheryl Sandoval, Supervisor DWPS at 755-4552 for all the necessary applications needed to be filed with DWPS for the water system.

If you have any question please feel free to call me at 755-4763.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Van Horn", with a long horizontal line extending to the right.

Roger Van Horn, R.E.H.S.
Senior Environmental Specialist

Cc: John Ramirez, Director, Environmental Health
Richard LeWarne, Assistant Director, Environmental Health
Cheryl Sandoval, Supervisor Drinking Water Protection Service
Nicki Silva, Acting Supervisor Environmental Health Review
Craig Anthony, Director, Operation Central Division Cal Am
Jan Sweigert, CDPH - Drinking Water Field Operations Monterey

VanHorn, Roger W. x4763

From: VanHorn, Roger W. x4763
Sent: Friday, October 22, 2010 12:18 PM
To: 'Leslie.Jordan@amwater.com'; 'craig.anthont@amwater.com'; 'Moltrup, Querube (CDPH-DDWEM)'; 'Sweigert, Jan (CDPH-DDWEM)'
Cc: LeWarne, Richard x4544
Subject: Oaks/Harper Cyn water system

Hi Leslie,

This is a follow up to our meeting on Oct 7, regarding the letter I sent you dated Sept 28. At the meeting we agreed that the monitoring reports would only need to be submitted to EH quarterly instead of monthly as stated in the letter. I will follow-up this e-mail with a revised letter with this correction.

Thanks, Roger

P.S. how are you coming with water system application?

*Roger Van Horn, R.E.H.S.
Senior Environmental Health Specialist
Monterey County Health Department,
Environmental Health Bureau
Environmental Health Review Land Use
1270 Natividad, Rm 42B
Salinas, CA 93906
Phone: 831.755-4763
Fax: 831.755.8929*

Parcel: (161-013-001-000)

161-013-001-000

Parcel #: 161-013-001-000

Menu | New | Delete | Copy | Move | View Log | Help

Parcel Detail | Associated Record List | Genealogy Summary | Conditions (1) | Document | District | Address (1) | Owner (1) | Associated Public User (0)

From Current Parcel Only From Current Parcel or Its History

Type	Condition Name	Status	Status Date	Severity	Effective Date	Applied Date	Applied by Dept	Applied by User	Condition/Not
Env Health	Hold occupancy on new SFD's ...	Not Met		Notice	10/12/2010	10/12/2010	Planning Supervisor	Wanda Hickman	Per request from

Parcel #: 161-013-001-000

Submit | Reset | Cancel | View Log | Help

Condition Detail | Condition History

Condition Name *

Hold occupancy on new SFD

Status

Not Met (Applied)

Status Date

Severity

Notice

Type *

Env Health

Applied by Dept * Current Department

Planning Supervisor

Applied by User * Current User

Wanda Hickman

Applied Date

10/12/2010

Effective Date

10/12/2010

Expiration Date

Condition/Notice Standard Comment

Per request from Roger Van Horn place a hold on the occupancy or final on construction of any new homes in the Oaks subdivision. See e-mail dated 1/8/10.

check spelling

Display Notice

Appeals Automation

ACA

ACA Fee Estimate Page

Include in Condition Notice

Condition Name

Short Comments

Global Search

Parcel #: 151-013-004-000

Parcel # 151-013-004-000

Parcel Status: Enabled Primary: Yes

Legal Description: THE OAKS SUBDIVISION VOL 23 C&T PG. 32 TRACT NO. 1...

Improved Value: \$0 Land Value: \$185,000

ADDITIONAL ASSESSOR INFORMATION

Assessor Use Code: SA Tax Rate Area: 133018 Creating Doc Date: 6/20/2006 10:09:00

Parcel #: 151-013-004-000 15110 BIG SKY LN, SALI...

Address: 15110 BIG SKY LN, SALINAS, CA 92308

Menu: New Delete View Log Help

Address Detail Record List Conditions (1) Contact (0) District Parcel (1) Associated Public User (0)

Group	Type	Condition Name	Status	Status Date	Severity	Applied Date	Effective Date	Expiration Date	Short Comments	Applied by Dept	Applied by User	Ac
Default	Notice	Hold Occu...	Not Met		Notice	10/12/2010	10/12/2010	07/12/2011	Roger Van...	Planning ...	Wanda Hickman	

Global Search

Parcel #: 151-013-004-000 15110 BIG SKY LN, SALI...

Submit Reset Cancel View Log Help

Condition Detail Condition History

Condition Name: Hold Occupancy Type: Notice

Applied by Dept: Planning Supervisor Current Department: Applied by User: Wanda Hickman Current User: Applied Date: 10/12/2010

Severity: Notice Status: Not Met/App

Short Comments: Roger Van Horn Environment Health request a Hold Occupancy or Final on new SFD's in Oak Subd

check spelling

Result (151-213-205-200) 15140 BIG SKY LN, SALI...

Address: 15140 BIG SKY LN, SALINAS, CA 93908

Menu ▾ | New | Delete | View Log | Help

Address Detail | Record List | Conditions (1) | Contact (0) | District | Parcel (1) | Associated Public User (0)

Group	Type	Condition Name	Status	Status Date	Severity	Applied Date	Effective Date	Expiration Date	Short Comments	Applied by Dept	Applied by User	As
Default	Env Health	Hold Occup...	Not Met		Notice	10/12/2010	10/12/2010	11/12/2011	Per request...	Planning ...	Wanda Hickman	

Result (151-213-205-200) 15140 BIG SKY LN, SALI...

Submit | Reset | Cancel | View Log | Help

Condition Detail | Condition History

Condition Name - Type -

Applied by Dept - Current Department Applied by User - Current User Applied Date

Severity Status

Short Comments Standard Comment

[check spelling](#)

Parcel #: 161-013-007-000

Menu

Parcel Detail Associated Record List Genealogy Summary Conditions (2) Document District Address (1) Owner (1) Associated Public User (0)

From Current Parcel Only From Current Parcel or Its History

Type	Condition Name	Status	Status Date	Severity	Effective Date	Applied Date	Applied by Dept	Applied by User	Condition/Not
Parcel	Parcel Notice	Applied		Notice	02/14/2007	02/14/2007	MONTEREY/MONTEREY/...	FRIEDRICH	ADDRESS ASS
Env Health	Hold Occupancy or Final	Not Mat		Notice	10/12/2010	10/12/2010	Planning Supervisor	Wanda Hickman	Per request fro

Parcel #: 161-013-007-000

Condition Detail Condition History

Condition Name *
Hold Occupancy or Final

Status Status Date Severity

Type *
Env Health

Applied by Dept * Current Department Applied by User * Current User

Applied Date Effective Date Expiration Date

Condition/Notice Standard Comment

Per request from Roger Van Horn place a hold on the occupancy or final on construction of any new home in the Oaks subdivision. See e-mail dated 1/8/10.

[check spelling](#)

Display Notice

- Accele Automation
- ACA
- ACA Fee Estimate Page

Include in Condition Notice

- Condition Name
- Short Comments

Parcel # (161-013-013-000) 161-013-000 161-013-013-000

Parcel #: 161-013-013-000

Menu ▾ New Delete Copy Move View Log Help

Parcel Detail Associated Record List Genealogy Summary Conditions (1) Document District Address (0) Owner (1) Associated Public User (0)

From Current Parcel Only From Current Parcel or Its History

Type	Condition Name	Status	Status Date	Severity	Effective Date	Applied Date	Applied by Dept	Applied by User	Condition/Not
Notice	Hold occupancy or Final	Not Met		Notice	10/12/2010	10/12/2010	Planning Supervisor	Wanda Hickman	Per request for

Parcel #: 161-013-013-000

Submit Reset Cancel View Log Help

Condition Detail Condition History

Condition Name *
Hold occupancy or Final

Status: Not Met (Applied) Status Date: Severity: Notice

Type *
Notice

Applied by Dept * Current Department: Planning Supervisor Applied by User * Current User: Wanda Hickman

Applied Date: 10/12/2010 Effective Date: 10/12/2010 Expiration Date:

Condition/Notice Standard Comment
Per request from Roger Van Horn please a hold on the occupancy or final on construction of any new home in the Oaks subdivision. See e-mail dated 1/8/10.

[check spelling](#)

- Display Notice
- Arcadia Automation
 - ACA
 - ACA Fee Estimate Page
- Include in Condition Notice
- Condition Name
 - Short Comments

Parcel: (161-013-014-000) 161-013-014-000

Parcel #: 161-013-014-000

Menu | New | Delete | Copy | Move | View Log | Help

Parcel Detail | Associated Record List | Genealogy Summary | Conditions (1) | Document | District | Address (0) | Owner (1) | Associated Public User (0)

From Current Parcel Only From Current Parcel or Its History

Type	Condition Name	Status	Status Date	Severity	Effective Date	Applied Date	Applied by Dept	Applied by User	Condition/Not
Env Health	Hold occupancy or Final	Not Met		Notice	10/12/2010	10/12/2010	Planning Supervisor	Wanda Hickman	Per request from

Parcel #: 161-013-014-000

Submit | Reset | Cancel | View Log | Help

Condition Detail | Condition History

Condition Name
Hold occupancy or Final

Status: Not Met (Applied) | Status Date: | Severity: Notice

Type
Env Health

Applied by Dept: Planning Supervisor | Current Department: | Applied by User: Wanda Hickman | Current User:

Applied Date: 10/12/2010 | Effective Date: 10/12/2010 | Expiration Date: |

Condition/Notice Standard Comment
Per request from Roger Van Horn place a hold on the occupancy or final on construction of any new home in the Oaks subdivision. See e-mail dated 1/8/10.

check spelling

- Display Notice
- Access Automation
 - ACA
 - ACA Fee Estimate Page
- Include in Condition Notice
- Condition Name
 - Short Comments

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

COPY

PLANNING DEPARTMENT, Mike Novo, Director

168 W. ALISAL ST., 2ND FLOOR
SALINAS, CA 93901

(831) 755-5025
FAX (831) 757-9516

February 3, 2011

Ray Harrod, Jr.
Ferrini Oaks LLC
365 Victor Street, Suite S
Salinas, California 93907

SUBJECT: OAKS SUBDIVISION (PC94170)
Compliance with Water Supply Restrictions/Permits
San Benancio Road

Dear Mr. Harrod:

It has come to the County's attention, specifically the Environmental Health Bureau (EHB) and the Resource Management Agency—Planning Department, that the Oaks Subdivision on San Benancio Road (PC94170) may not be in compliance with requirements for the subdivision's water system. This letter shall serve as notice that, until the issues concerning water supply to the subdivision are resolved to the satisfaction of the County, the County will not issue any additional building permits for the lots in the Oaks subdivision.

We are directing this notification to you because County records indicate that six of the nine parcels created by the subdivision are owned by Ferrini Oaks LLC, and therefore, Ferrini Oaks LLC appears to be the successor in interest to Bollenbacher and Kelton, Inc., the prior applicant for the subdivision and developer of the subdivisions. We request to meet with you or the appropriate representatives of the Ferrini Oaks LLC at your earliest convenience to discuss resolution of the issues.

Our records indicate that pursuant to condition 34 of the Oaks subdivision, Bollenbacher and Kelton (the "Developer") entered into an agreement in 2004 with the California-American Water Company ("Cal Am") in which the Developer agreed to construct a well and water distribution infrastructure for the Oaks Subdivision and to transfer the water system to Cal Am in exchange for Cal Am's agreement to operate and maintain the water system to provide domestic and fire flow water supply to the Oaks subdivision. Pursuant to conditions 34 and 35, the system was required to meet the standards of Title 22 of the California Code of Regulations.

When the tentative map was approved on May 8, 2001, the Maximum Contaminant Level (MCL) for a Primary Inorganic chemical, Arsenic, was 50 ppb (parts per billion). Subsequent to approval of the tentative map, the federal and state standards for Arsenic were strengthened and the current MCL for Arsenic is 10ppb. A well sample taken in August 2000 was 35ppb, which did not exceed applicable standards when the County considered the tentative map, but this level is over three times the current MCL for Arsenic. Therefore, for reasons of health and safety and compliance with federal and state law, EHB required that the water from the Oaks well be treated to reduce the Arsenic level to comply with the current standard before it qualified as a potable water supply for the subdivision.

An option to address treatment of the water included transporting the Oaks well water to the Cal Am Ambler Unit for purposes of treatment. However, the Oaks well is located in the Monterey County Water Resources Agency zones of benefit, which do not allow the export of water out of this zone. Also, the Ambler treatment plant is located in the County's B-8 zone, which does not allow intensification of water use. As such, exporting water from the Oaks well to the Ambler treatment system must result in an equal exchange of water in order to comply with these restrictions. In 2006, Cal Am agreed to monitor both the production records from the new Ambler Oaks well and the water consumption of the nine lots in the Oaks subdivision for this purpose.

The County has learned that the Cal Am Ambler unit is currently supplying water to those homes in the subdivision that have been built, without a corresponding transfer of water from the Oaks well to Cal Am for treatment. This one-way supply of water from Ambler to the Oaks subdivision has not been permitted by the County, either as part of the subdivision approval or separately. Additionally, Cal Am annexed the Oaks subdivision into the Cal Am Ambler service area, which is the subject of a pending complaint filed with the California Public Utilities Commission. (*Highway 68 Coalition v. California American Water Company* (Case No. 10-08-022, filed August 31, 2010)).

Accordingly, the water supply for the Oaks subdivision is not assured until the PUC proceeding is concluded and the potential code violation is resolved. In addition, Monterey County has different land use permitting requirements depending on the size of the system. For reasons of public health and safety, the County will not require cessation of water supply to the three lots that have been sold (Assessor Parcel Numbers: 161-013-005, -006, and -009) pending resolution of these issues. However, until the PUC proceeding is concluded and the potential code violation is resolved to the satisfaction of the County (e.g., applicable permits), the County will not issue any building permits for the remaining vacant lots within the Oaks subdivision (Assessor Parcel Numbers: 161-013-001, -004, -007, -008, -013, and -014).

We would like to meet with the appropriate representatives of the Oaks subdivision to address these issues. Please contact Mr. David Mack (831-755-5096 or mackd@co.monterey.ca.us) at your earliest convenience to arrange a meeting to discuss resolution of this matter.

Sincerely,



Carl P. Holm, AICP
RMA-Planning Department
Assistant Director

cc: R. Harrod, Jr., owner of APN 161-013-006-000
J. Nucci, owner of APN 161-013-005-000
M. Campion, owner of APN 161-013-009-000
J. Ramirez, EHB
R. LeWarne, EHB
R. Van Horn, EHB
W. Strimling, County Counsel
M. Novo, Planning
D. Mack, RMA-Planning
M. Kelton, Bollenbacher and Kelton

Decision 11-09-001 September 8, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Highway 68 Coalition, a social welfare organization, pursuant to Internal Revenue Code Section 501(c)4,

Complainant,

vs.

California-American Water Company,
Monterey Division, (U210W),

Defendant.

Case 10-08-022
(Filed August 31, 2010)

DECISION RESOLVING COMPLAINT

1. Summary

Today's decision rejects complainant's position that Ordering Paragraph 9 of Decision 98-09-038 prohibits the shared use of the Ambler Park water treatment plant among customers in the Ambler Park service territory. The complaint is denied, and the proceeding is closed.

2. Background

2.1. Decision 98-09-038

On September 3, 1998, in Decision (D.) 98-09-038, the Commission authorized Ambler Park Water Utility to sell its water system to

California-American Water Company (Cal-Am).¹ In that decision, the Commission stated: "CalAm is prohibited to intertie Ambler's water system to any other water system of CalAm." (D.09-09-038, 82 CPUC2d 61, 69 (Ordering Paragraph 9).) This prohibition is the subject of this complaint proceeding.

2.2. Complaint and Answer

The Coalition, in its complaint, argues essentially that Ordering Paragraph 9 prohibits Cal-Am from annexing additional territory to the historic Ambler Park service territory, that is, the service territory as it existed when Cal-Am acquired it. The Coalition believes, in other words, that Ordering Paragraph 9 effectively restricts Ambler Park (now owned by Cal-Am) to serving only customers within the historic service territory. The Coalition wants the Commission to vacate its previous advice letter approvals granted to Cal-Am for annexations proposed by Cal-Am allegedly in violation of the purported restrictions of Ordering Paragraph 9.

Answering the complaint, Cal-Am agrees that in its advice letters 545 and 617 (approved by the Commission on September 19, 2000, and February 17, 2005, respectively), it proposed to annex certain subdivisions to Ambler Park. Cal-Am represents that although the subdivisions thereby became part of the Ambler Park service territory, they will be served from their own water sources. Specifically, Cal-Am plans to pump water from these sources for treatment at the Ambler Park water treatment plant (which has excess capacity), and to return the treated water to the subdivisions, without any net export of water from Ambler

¹ The Highway 68 Coalition (Coalition) participated in Cal-Am's application for authority to acquire Ambler Park, and the Commission held an evidentiary hearing on the matter at the Coalition's request.

Park to the subdivisions. Cal-Am denies that it has created an intertie between Ambler Park and its Monterey or other Cal-Am water systems. Consequently, Cal-Am asserts, it is complying with Ordering Paragraph 9, and it asks that the complaint be dismissed.²

2.3. Procedural Matters

On January 7, 2011, assigned Commissioner Peevey issued a scoping memo and ruling setting the prehearing conference and evidentiary hearing for Monday, February 7, 2011 in Monterey, California. The scoping memo assigned Administrative Law Judge (ALJ) Maribeth A. Bushey as the presiding officer. ALJ Bushey convened the prehearing conference and engaged in extensive discussion with the parties and members of the public regarding the issues to be resolved in this proceeding. At the conclusion of the prehearing conference, all parties agreed that the issues should be narrowed down to the following question of law and policy:

Does Ordering Paragraph 9 of D.98-09-038 prohibit the shared use of the Ambler Park Water Treatment Plant between customers in the Ambler Park Service Territory as it existed when the decision was rendered and customers in areas that have been annexed to the Ambler Park Service Territory since the 1998 decision was issued?

ALJ Bushey then set a procedural schedule to resolve the issue. On February 17, 2011, assigned Commissioner Peevey issued a revised scoping memo and ruling ratifying the above narrowing of issues and finding that (1) an evidentiary hearing would not be necessary and (2) a proposed decision, rather

² Cal-Am raises certain affirmative defenses, but these are not material to today's decision and need not be discussed.

than a presiding officer's decision, would be issued.³ The Commission affirms the finding of the Revised Scoping Memo that an evidentiary hearing is not needed in this proceeding.

On March 9, 2011, the Coalition wrote to Commissioner Peevey requesting a "full adjudication hearing" because the Coalition "wanted to put evidence into the CPUC record." At the hearing setting the briefing schedule, however, the ALJ specifically provided a means for parties to make factual representations on the evidentiary record. The Coalition followed this procedure, since its briefs included factual representations. Consequently, the Coalition was not deprived of the ability to introduce evidence into the record, although no evidentiary hearing was held.

3. Arguments of Parties on Ordering Paragraph 9

The Coalition requests that the Commission vacate its approval of Cal-Am's advice letters 545 and 617. The Coalition argues that the service area annexations covered in these two advice letters violate Ordering Paragraph 9 by (in effect) creating an intertie between the Ambler Park water system and other Cal-Am systems.

The Coalition also argues that Cal-Am did not have Monterey County's authorization to install a water main from the Ambler Park treatment plant to the newly annexed areas. The Coalition maintains that the Commission's approval of advice letters 545 and 617 violated Monterey County's B-8 zoning ordinance, which restricts development where, due to water supply or water

³ The revised scoping ruling also set the dates for opening and reply briefs to be filed and served. The Coalition, Cal-Am, and Harper Canyon timely filed opening briefs. These same parties also timely filed reply briefs.

quality, additional development and/or intensification of land use is found to be detrimental to the health, safety, and welfare of the residents of the area, or of the county as a whole. The Coalition says that the Ambler Park service territory fits within the B-8 zone. Furthermore, the Coalition alleges that the Commission's approval of advice letters 545 and 617 has substantial environmental impacts.

Cal-Am argues that Ordering Paragraph 9 is intended to prohibit water export from Ambler Park to other areas in the Monterey peninsula, and does not prohibit use of the Ambler Park water treatment plant for new Ambler Park service territory customers. To support this argument, Cal-Am references the record in the original Ambler Park acquisition proceeding.⁴ In that proceeding, Cal-Am argues, the Commission did not restrict the use of the Ambler Park water treatment plant, and Ordering Paragraph 9 only prohibits the exportation of water from the Ambler Park service territory by intertie with other Cal-Am systems.

Cal-Am also argues that prohibiting the shared use of the Ambler Park water treatment plant would create a difference in service between localities, which would violate Public Utilities Code sections 453 and 1705, and would

⁴ The original acquisition proceeding is the Application of Ambler Park Water Utility and California-American Water Company for an order authorizing (a) Ambler Park Water Utility to sell and transfer and California-American Water Company to purchase and receive the water utility assets of Ambler Park Water Utility, (b) Ambler Park Water Utility to withdraw from the water utility business, (c) California-American Water Company, Monterey Division, to engage in and carry on the water utility business of Ambler Park Water Utility, (d) the commencement of service in the Ambler Park Water Utility service area by California-American Water Company, and (e) California-American Water Company, Monterey Division to amortize the acquisition adjustment by reason of the transaction adjustment (1997). Application (A.) 97-07-058.

force Cal-Am to violate drinking water laws and General Order 103-A.⁵ Cal-Am asserts that it owes a duty to serve the annexed subdivisions, and that the Commission recognized the possibility of annexed territory in the original Ambler Park acquisition proceeding. In support of the latter assertion, Cal-Am cites the following Commission directive: "Cal-Am will still have to seek approval of the Commission for expansion of its service through an Advice Letter." (D.98-09-038, 82 CPUC2d at 66.) Cal-Am filed advice letters 545 and 617 under this directive.

Harper Canyon Realty LLC (the developer of one of the subdivisions annexed by Cal-Am to the Ambler Park service territory) intervened in this proceeding and joined the Motion to Dismiss the Complaint filed by Cal-Am on February 2, 2011. Harper Canyon also filed an opening brief. Like Cal-Am, Harper Canyon argues that Ordering Paragraph 9 does not prohibit the shared use of the Ambler Park water treatment plant between customers in the Ambler Park service territory as it existed in 1998 and newly annexed customers. In support of this argument, Harper Canyon specifically points to passages in D.98-09-038, where the issue of intertie and export to Cal-Am's Monterey or other water systems was discussed at length. (*See, e.g.*, 82 CPUC2d at 64, 67.) Harper Canyon also cites the transcript of the proceeding, wherein existing Ambler Park customers were concerned about paying for costs specific to

⁵ According to Cal-Am, past water tests show that the well in the Oaks subdivision contains three times the maximum contaminant level of arsenic, and no other water sources are available. Cal-Am and the Oaks subdivision developer have installed the necessary infrastructure such that the Ambler Park Oaks well delivers water pumped from that well to the Ambler Park water treatment plant, and is then returned to the subdivisions. Cal-Am maintains that this infrastructure is not an intertie within the meaning of Ordering Paragraph 9.

Cal-Am's Monterey system. Lastly, Harper Canyon argues that shared water treatment (that is, pumping water from water sources in the newly annexed territory to the Ambler Park water treatment plant and back again to customers in the annexed territory) does not constitute export of water from the Ambler Park service territory as it existed at the time of D.98-09-038.

4. Discussion

4.1. Burden of Proof

Pursuant to Public Utilities Code section 1702, a complainant must prove an alleged violation of a statute, rule, or Commission order. The complainant must meet its burden of proof by a preponderance of the evidence.⁶ Therefore, the Coalition here must prove by a preponderance of the evidence that Ordering Paragraph 9 prohibits shared use of the Ambler Park water treatment plant with any newly annexed Ambler Park customers.

4.2. The Coalition's Showing

The Coalition fails to show from the prior record or to provide proof that the Commission intended Ordering Paragraph 9 to prohibit annexations to the then-existing Ambler Park service territory as of the date D.98-09-038 was issued. The Coalition focuses its arguments on the procedural history of the approval of D.98-09-038 and advice letters 545 and 617. The Coalition does not analyze Ordering Paragraph 9 or present any evidence on the meaning of "intertie" or the broader issue of export from the Ambler Park service territory. The Coalition does ask that the Commission reaffirm D.98-09-038, because the B-8 zoning

⁶ Pacific Bell Telephone Co. dba AT&T California v. CBeyond Communications, Inc. (2008) D.08-09-044 at 15.

boundaries were discussed during the hearings leading to that decision. However, the Coalition fails to show that Cal-Am's service to annexed customers of the Ambler Park service territory would violate Ordering Paragraph 9. For these reasons, the Coalition has not met its burden of proving by a preponderance of the evidence that Cal-Am has violated Ordering Paragraph 9. Accordingly, the complaint should be dismissed.

4.3. Interpretation of Ordering Paragraph 9

As explained above, the Coalition has not shown that Cal-Am violated the key provision of D.98-09-038, namely, Ordering Paragraph 9. Moreover, we find that the Commission's own analysis of the Ambler Park acquisition in D.98-09-038 supports the shared use of the Ambler Park water treatment plant.

In D.98-09-038, the Commission specifically discusses export from the Ambler Park service territory to the Monterey system and any newer territories that might be served by Cal-Am. In the acquisition proceeding, a Cal-Am witness testified that it would not interconnect Ambler's service territory with its then-current Monterey Division. (D.98-09-038, 82 CPUC2d at 64.) Cal-Am also stated that it would operate the Ambler Park service territory on a stand-alone basis, so that no water production costs from the Monterey system would be transferred to Ambler Park customers. (*Id.*) The record in this earlier proceeding shows that Ambler Park customers were primarily concerned that Cal-Am would divert Ambler Park water to the Monterey system through an interconnection, and that they would be assessed the costs for construction of the

proposed new Carmel River Dam. (*Id.*) Neither of these effects follows from the annexations to Ambler Park.⁷

Moreover, the Commission recognized the potential for expanding the Ambler Park service territory in the acquisition proceeding. The Commission at that time denied the Coalition's connection moratorium request for the Ambler Park service territory, stating that since Cal-Am does not intend to interconnect the Ambler Park service region with the Monterey region, there is little possibility of future water supply issues. (*Id.*, 82 CPUC2d at 65.) Additionally, the Commission noted that Cal-Am would have to seek approval through the advice letter process in order to expand the Ambler Park service territory. (*Id.*, 82 CPUC2d at 66.) Cal-Am did appropriately seek approval through the advice letter process when it annexed certain subdivisions into the Ambler Park service territory. The Commission approved these annexations when it approved advice letters 545 and 617.

Therefore, the question posed (*i.e.*, does Ordering Paragraph 9 prohibit the shared use of the Ambler Park water treatment plant between customers in the Ambler Park service territory as it existed when D.98-09-038 was rendered and customers in the areas that have been annexed since 1998?) hinges on whether the treatment of water at the Ambler Park plant and the return of that water constitutes exporting water from the original service territory. We find, as

⁷ To the extent the annexations have a cost impact on Ambler Park customers, it would be to spread the fixed costs of the Ambler Park system among more ratepayers, which would reduce the per-customer burden. Most importantly, the annexations do not allow any costs associated with the Monterey System to be imposed on Ambler Park customers.

discussed below, that no export would occur due to the contemplated shared use of the water treatment plant.

Cal-Am represents that the water will be (1) pumped from sources in the newly annexed territory, (2) treated at the Ambler Park water treatment plant, and (3) pumped back to the annexed territory. This sequence, if followed, would result in no net export of water from the original Ambler Park service territory and would allow Cal-Am to treat water from the newly annexed territory in accordance with drinking water standards. Most importantly, the water moved from and returned to the annexed territory does not enter the Monterey system, which was the concern on record in D.98-09-038.

Additionally, the evidence suggests that this water must be treated, and that Cal-Am would have to expend a significant amount of capital in order to treat the water elsewhere. The Ambler Park water treatment plant has surplus capacity and can treat the annexed customers' water. Cal-Am also represents that the annexed customers have no other water supply source.

Having carefully reviewed the record supporting D.98-09-038 and the present factual circumstances, we conclude that Cal-Am may lawfully share the use of the Ambler Park water treatment plant between customers in the Ambler Park service territory as it existed when D.98-09-038 was rendered and new customers that have been annexed since the decision. Cal-Am should be authorized to pump water from the areas newly annexed to the Ambler Park service area for treatment at the Ambler Park water treatment plant and to provide water service in the new service territory.

4.4. Other Issues Raised by the Coalition

The Coalition challenges, on various grounds, the Commission's approval of Cal-Am's advice letters 545 and 617. This 2010 challenge, coming many years

after the respective 2000 and 2005 approvals, must be rejected as untimely, and is nothing but a collateral attack on those approvals. Regardless of any newly alleged need for an environmental review of the annexations approved in advice letters 545 and 617, there is no basis to revisit that issue now. Furthermore, the Commission's actions, in today's decision and in prior approvals, do not relieve Cal-Am or the developers of the respective subdivisions from the need to obtain such permits or other authorizations as may be duly required for compliance with local zoning or other restrictions.

5. Categorization

In the instructions to answer dated September 14, 2010, the Chief ALJ declared that the matter is assigned to Commissioner Michael R. Peevey and ALJ Judge Maribeth A. Bushey, and is categorized as adjudicatory. On May 16, 2011, the matter was reassigned from Commissioner Peevey to Commissioner Florio.

6. Comments on Proposed Decision

The proposed decision of ALJ Bushey in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on August 29, 2011, and Complainant filed reply comments on September 2, 2011. The Complainant contended that the Proposed Decision was not supported by the record in finding that Ambler Water Treatment Plant had sufficient capacity to treat water from the new subdivision's wells. The Complainant further offered a letter from the Monterey Country Resource Agency, dated February 3, 2011, stating that Cal-Am is currently supplying water to the Oaks subdivision from the Ambler system as a "one way supply," that is, without returning water from a subdivision well as is

required by the development authorization. The letter stated that Monterey County will not issue any further building permits for the subdivisions until these issues are addressed to the satisfaction of the County. Complainant also noted that leakage in Cal-Am's system, estimated to be 10%, must be considered in any transferring of water back and forth. Complainants reiterated their objections to advice letters 545 and 617. Finally, the Complainants argued that environmental review of the service area annexation advice letters was not performed by the Commission or the local agencies.

Cal-Am opposed as redundant and excessively expensive the monthly monitoring and reporting requirement reflected in the proposed decision. Cal-Am explained that it is under orders from the Monterey County Water Resources Agency to monitor production at the Ambler Oaks well and consumption by residents in the new subdivision, of which there are currently two, and to report this information on a quarterly basis to the County. Given the ongoing oversight by the County, Cal-Am concluded that further monitoring by the Commission is not needed and would be prohibitively expensive with only two customers. Cal-Am also pointed out that the Commission's 1998 decision did not prohibit Cal-Am from moving water supply throughout its Ambler Park service territory or from annexing new areas to that service territory.

As set forth above, the complainants have provided a recent letter from the County demonstrating that the County is actively monitoring the flow of water between different portions of Cal-Am's Ambler Park Service Territory to ensure compliance with County regulations that limit water use and export among County zones, and that the County is taking actions to enforce its restrictions. This letter supports Cal-Am's claims of redundancy. Accordingly, the proposed decision has been revised to omit the requirement that Cal-Am compile an

additional water supply and consumption report. This revision also obviates the need to establish a mechanism to consider unaccounted for water or leakage rates in compiling such a report.

In reply comments, Cal-Am challenged the Complainant's procedural objections as unfounded and untimely. Cal-Am opposed the Complainant's attempt to raise issues beyond the scope of the complaint, including California Environmental Quality Act and County development regulations. In response to Complainant's allegation of lack of record evidence on the Ambler Water Treatment Plant capacity, Cal-Am pointed to the declaration of its Monterey District Manager stating that the plant currently operates about four hours a day and has ample capacity to treat water for the new Ambler customers. The declaration was filed on March 21, 2011, and is part of the record.

7. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Maribeth A. Bushey is the assigned ALJ in this proceeding.

Findings of Fact

1. The Coalition complains against Cal-Am's annexation of certain subdivisions to the Ambler Park service territory.
2. The issue in this proceeding is whether Ordering Paragraph 9 of D.98-09-038 prohibits the shared use of the Ambler Park water treatment plant between customers in the Ambler Park service territory as it existed when that decision was rendered and customers in areas that have been annexed to the Ambler Park service territory since that decision.
3. Ordering Paragraph 9 of D.98-09-038 states: "CalAm is prohibited to intertie Ambler's water system to any other water system of CalAm."

4. The main purpose of Ordering Paragraph 9 of D.98-09-038 was to address customers' concerns that Cal-Am would divert water supply from the Ambler Park service territory to Cal-Am's Monterey system, or impose Monterey system costs on Ambler customers.

5. The Commission duly approved advice letters 545 and 617, which annexed additional territory to the Ambler Park service territory. The annexed territory has independent sources of water, but the water requires treatment to remove contaminants.

6. Cal-Am states that the Ambler Park water treatment plant has excess capacity and is capable of treating the water to serve the territory annexed to the Ambler Park service territory pursuant to advice letters 545 and 617.

7. Cal-Am proposes to pump water from the annexed territory, treat the water at the Ambler Park water treatment plant, and then return the same quantity of water back to the annexed territory.

8. The annexed territory does not connect to Cal-Am's Monterey system.

9. No Monterey system costs will be imposed on Ambler customers.

10. No hearing is needed to resolve this proceeding.

11. Monterey County Resource Management Agency oversees water consumption in and export among County zones.

12. In 2006, Cal-Am agreed to monitor water production and consumption in the Ambler Oaks subdivision, and to make quarterly reports to the County.

Conclusions of Law

1. D.98-09-038 does not prohibit the shared use of the Ambler Park water treatment plant among areas of the Ambler Park service territory.

2. Cal-Am should be authorized to pump water from the territory annexed to the Ambler Park service territory for treatment at the Ambler Park water treatment plant and to supply water to the annexed territory.

3. Cal-Am must comply with applicable requirements of the Monterey County Resource Management Agency.

4. The Complainant bears the burden of proving that Ordering Paragraph 9 of D.98-09-038 prohibits the shared use of the Ambler Park Water Treatment Plant by customers in the Ambler Park service territory.

5. The Complainant has not shown by a preponderance of the evidence that Ordering Paragraph 9 of D.98-09-038 prohibits the shared use of the Ambler Park Water Treatment Plant by customers in the Ambler Park service territory.

6. This complaint should be dismissed, effective immediately.

O R D E R

IT IS ORDERED that:

1. California-American Water Company is authorized to pump water from any territory duly annexed to its Ambler Park service territory after the effective date of Decision 98-09-038 for treatment at the Ambler Park water treatment plant and to supply water to the annexed territory, subject to any applicable requirements of the Monterey County Resource Management Agency

2. This complaint is dismissed.

3. Case 10-08-022 is closed.

This order is effective today.

Dated September 8, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

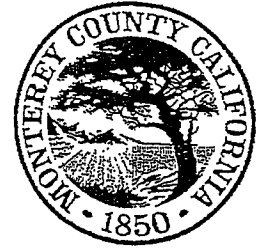
MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

MONTEREY COUNTY



Resource Management Agency

Benn J. Young, P.E.
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March 26, 2012

Mike Weaver

Re: OAKS SUBDIVISION (PC94170)
San Benancio Road

Dear Mr. Weaver,

After reviewing the files related to the subject project in more detail, staff determined that there is not a code violation. All conditions of the Oaks Subdivision were cleared prior to the Board of Supervisors accepting the final map, and the owner satisfied the conditions. Changes in regulations occurring subsequent to completing the map (e.g. water quality standards) do not constitute a violation of that project's conditions.

While not a permit issue for the Oaks Subdivision, treatment of the water supply for the subdivision is required due to the excessive arsenic levels. The Oaks well and its appurtenances have been conveyed to the California-American Water Company (Cal-Am). Therefore, the County is working with Cal Am to address and enforce the County's requirement of no net import/export of water from the B-8 zoning district such that the amount of water drawn from the Oaks well would be equal to the amount of water treated and supplied to the Oaks subdivision by the Ambler Park water treatment plant. The County and Cal Am anticipate entering into Memorandum of Understanding (MOU) to this effect, and any such MOU would be presented to the Board of Supervisors in open session for its consideration.

Respectfully,

Carl P. Holm, AICP
Acting Deputy Director
Monterey County Resource Management Agency

cc: B. Young, RMA
W. Strimling, County Counsel
R. LeWarne, Env Health Bureau
M. Novo, RMA-Planning
P. Geenway, RMA-Public Works
Tim Miller, Cal Am

Carl Holm, Interim Deputy Director
Monterey County Resource Management Agency
168 West Alisal St
Salinas, CA 93901

Re: OAKS SUBDIVISION (PC94170)
Compliance with Water Supply Restrictions/Permits
San Benancio Road

March 15, 2012

Dear Mr. Holm,

On February 3, 2011 you signed a letter on behalf of the Monterey County Planning Department that was addressed to Ray Harrod, Jr., as successor in interest of the Ferrini Oaks LLC subdivision on the north side of San Benancio Road. The letter addressed the lack of project condition compliance with regard to source of water and project conditions 34 and 35.

The Final Map for this subdivision was signed by various representatives of the County and the Clerk to the Board of Supervisors in and around June 22, 2006 with outstanding conditions still not complied with.

The letter of February 3, 2011 readily admits this. What is being done regarding outstanding code violations?

Please advise at your earliest possible convenience.

Thank you,

Mike Weaver