

Attachment B

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EXHIBIT B
DRAFT RESOLUTION

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

In the matter of the application of:

HARPER CANYON REALTY LLC

ENCINAL HILLS

(FILE NUMBER: PLN000696)

RESOLUTION NO. ---

Resolution by the Monterey County Board of Supervisors:

- a. Certifying the Final Supplemental Environmental Impact Report (FSEIR) for the Harper Canyon/Encina Hills project (State Clearinghouse Number: 2003071157), which supplements the Final Environmental Impact Report (FEIR) for the same project with information pertaining to wildlife corridors;
- b. Reinstating Board of Supervisors Resolution No. 15-084 for the Harper Canyon/Encina Hills project, except as amended with respect to the issue of wildlife corridors, which:
 - i. Certified the FEIR for the project;
 - ii. Adopted a Statement of Overriding Considerations;
 - iii. Upheld an appeal by Harper Canyon Realty LLC of the Planning Commissions denial of the project;
 - iv. Approved a Combined Development Permit consisting of a:
 - 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel;
 - 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction;
 - 3) Use Permit for development on slopes in excess of 30 percent;
 - 4) Use Permit for the creation of a public water system with a standalone treatment facility; and
 - 5) Grading for net cut and fill of approximately 2,000 cubic yards; and

- v. Adopted a Mitigation Monitoring and Reporting Plan.
- c. Modifying reinstated Resolution No. 15-084 as described in the Findings and Evidence contained herein relating to wildlife corridors, the FSEIR, and the record in conformance with the Monterey County Superior Court's Second Amended Peremptory Writ of Mandate issued on July 1, 2021 (Case Number M131193); and
- d. Adopting a revised Mitigation Monitoring and Reporting Plan ("MMRP") reflecting modifications to the reinstated permit and replacing the previously adopted MMRP.

The Harper Canyon Realty LLC/Encina Hills subdivision FSEIR and updated wildlife corridor information came on for public hearing before the Monterey County Board of Supervisors on April 15, 2025. In consideration of the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds as follows:

FINDINGS

1. **FINDING:** **PROCEDURAL BACKGROUND** – Finding 2 of Resolution 15-084 states: *"The County complied with all procedural requirements in processing the subject Combined Development Permit (PLN000696/Harper Canyon (Encina Hills))."* This Finding remains unchanged except that evidence provided in support of this Finding are updated to reflect Procedural Background information following approval of Resolution 15-084 on April 7, 2015.
- EVIDENCE:**
- a) Finding 2 of Resolution 15-084 contains evidence a through r describing the procedural background for PLN000696 ending with adoption of the Resolution by the Monterey County Board of Supervisors on April 7, 2015. Since April 7, 2015, there have been additional steps taken with respect to this Project. Evidence b, c, d, e, f, g, and h below are added to the Procedural Background describing steps taken since April 7, 2015.
 - b) On May 4 and 6, 2015, LandWatch Monterey County and Meyer Community Group (collectively, "Petitioners") filed separate but related challenges to the County's approval of the Project in Monterey County Superior Court (Case Nos. M131893 and M131913). Petitioners claimed that County failed to comply with the CEQA and that its approval of the Project was inconsistent with the County's 1982 General Plan. The trial court upheld the Board's action except with respect to the need to recirculate the FEIR's groundwater resources analysis and the FEIR's analysis of project-level impacts on wildlife corridors.
 - c) On December 3, 2018, the Superior Court issued its Final Statement of Decision and Ruling on Remedy in the case. The County and Harper appealed the Superior Court's judgment and argued that substantial evidence supported the County's determinations regarding the Project's wildlife corridor impacts. The County and Harper also appealed the

Superior Court's decision that CEQA requires recirculation of the FEIR on groundwater resources. Petitioners filed cross-appeals asserting that the trial court erred in rejecting their claims that the FEIR was legally inadequate in its discussion of the Project's setting and its cumulative effect on groundwater resources.

- d) On March 29, 2021, the Sixth District Court of Appeal issued its opinion. The Court of Appeal denied Petitioners' cross-appeal and found that the County's analysis of groundwater resources in the Draft EIR was adequate. The Court of Appeal also held that CEQA did not mandate recirculation of the FEIR on the topic of groundwater resources prior to approval of the Project. The Court of Appeal agreed with the trial court's conclusion that the FEIR's analysis of the Project's impact on wildlife corridors was deficient and not supported by substantial evidence. The Court of Appeal remanded the matter to the trial court with directions to vacate its original order, and to issue a new writ of mandate ordering the Board to vacate portions of Resolution No. 15-084, and to vacate the Board's approval and certification of the EIR for the Project only as it relates to wildlife corridor issues.
- e) On July 1, 2021, the Superior Court issued its Second Amended Peremptory Writ of Mandate ("Writ"). The Writ required the Board do the following:
 - 1. Rescind portions of Resolution No. 15-084 certifying the FEIR, adopting the findings, approving the Combined Development Permit, and adopting the Mitigation Monitoring and Reporting Plan for the Project only to the extent they are dependent on wildlife corridor issues.
 - 2. Suspend any and all activities related to the Project except the preparation, circulation, and consideration under CEQA of a legally adequate EIR with regard to the wildlife corridor issues discussed in the Opinion.
 - 3. Before taking any further action on the Project, comply with CEQA by the preparation, circulation and consideration of a legally adequate EIR with regard to the wildlife corridor issues discussed in the Opinion.
 - 4. Make and file a return to this writ within 60 days of taking such action, setting forth what it has done to comply.
- f) On July 27, 2021, the Board adopted Resolution No. 21-281 to set aside portions of Resolution 15-084 for the Project only as it related to wildlife corridor issues, and filed a return with the court, in compliance with the Writ. At the same time, the applicant requested the County prepare a revised EIR addressing the projects impacts on wildlife corridors.
- g) A Draft Supplemental Environmental Impact Report (SDEIR) was prepared in accordance with CEQA and the Writ and circulated for a 45-day public review period from March 3, 2024 through April 26, 2024. The SDEIR addressed only the portion of the 2015 FEIR determined not to comply with CEQA which included portions of Section 3.3, Biological Resources pertaining to wildlife corridors. A Final Supplemental Environmental Impact Report (FSEIR) dated December 2024 was published on January 10, 2025.

- h) The FSEIR was presented to the Board of Supervisors prior to approving this Resolution.

2. **FINDING:**

CONSISTENCY – Finding 3 of Resolution 15-084 states: “*The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.*”

This Finding remains unchanged except that evidence provided in support of this Finding are updated to address consistency of the Project with applicable wildlife corridor plans and policies.

EVIDENCE:

- a) Finding 3 of Resolution 15-084 contains evidence a through k describing consistency of the Project with the applicable plans and policies that regulate development. The evidence does not specifically address policies applicable to wildlife corridors. To address the issue of wildlife corridors, the evidence below is added to Finding 3, evidence h of Resolution 15-084:
 - b) **Goal 9 – To conserve the abundance and diversity of the County’s Wildlife.**
Objective 9.1 – Promote the conservation of large, continuous expanses of native vegetation as the most suitable habitat for maintain abundant and diverse wildlife.
Policy 9.1.1 – Development shall be carefully planned in areas known to have particular value for wildlife and, where allowed, shall be located so that the reasonable value of the habitat for wildlife is maintained.
Implementation of the Project would result in disturbance and construction activity in the vicinity of the SR 68/El Toro Creek Bridge undercrossing, which is considered a significant route of safe passage for both small and large mammals, amphibians, and reptiles moving between former Fort Ord lands and the Sierra de Salinas or Santa Lucia Mountain ranges.
Siting of the building sites and infrastructure improvements have been carefully considered and mitigation measures have been applied to ensure that continuous areas of vegetation, particularly along riparian and drainage corridors, will be conserved to provide adequate habitat and wildlife connections to large expanses of open space. Pursuant to the FEIR, Mitigations 3.3-2a through d, 3.3.3 a through c, and 3.3-4 through 3.3-6 have been applied to the project. As described in the FSEIR, additional Mitigations (MM 3.3-8 a through f) are proposed to ensure that areas of the site will be conserved for wildlife in the vicinity. As described in the Mitigations: a Wildlife Corridor Plan with specific recommendations to remove obstacles that would impair movement of wildlife will be prepared and implemented; homesites and landscaped areas are required to be located a minimum of 75 from drainage areas and 200 feet from riparian areas; 154 acres of the remainder parcel will be dedicated for permanent open space; culverts or bridges will be designed to allow animal passage; lighting will be restricted; and corridors will be shown and reserved for open space on the final map.
 - c) Final Supplemental EIR (“FSEIR”) for the Project.

3. **FINDING:** **SITE SUITABILITY** - Finding 4 of Resolution 15-084 states: “*The site is physically suitable for the use proposed*” This Finding remains unchanged. Evidence provided in support of this Finding are updated to add reference to additional technical reports prepared and considered regarding wildlife corridors.
- EVIDENCE:**
- a) Finding 4 of Resolution 15-084 contains evidence a through d describing how the project was reviewed for suitability for the proposed project. Evidence b lists a number of technical reports that have been reviewed in support of finding that there are no physical or environmental constraints that would make the site unsuitable for development. An additional technical report, with references to several studies have been prepared and reviewed on the issue of wildlife corridors that are not listed in Resolution 15-084. To address this, the technical report listed in the evidence below is added to Finding 4, evidence b of Resolution 15-084.
 - b) - “Harper Canyon Subdivision Project Wildlife Camera Trapping Study Report” prepared by Denise Duffy & Associates, Inc, November 2023 (Contained in Appendix C of the SDEIR)
 - c) The above listed technical report was prepared for the Project and includes a list of reference materials that were reviewed. These referenced studies have also been reviewed are incorporated by reference.
4. **FINDING:** **SUBDIVISION** - Finding 7 of Resolution 15-084 states: “*Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made.*
- 1. *The proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan.*
 - 2. *The design or improvements of the proposed subdivision are not consistent with the applicable general plan, area plan, coastal land use plan, Master Plan or specific plan.*
 - 3. *That the site is not physically suitable for the type of development.*
 - 4. *That the site is not physically suitable for the proposed density of development.*
 - 5. *That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*
 - 6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*
 - 7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*
- None of these findings are made.”*

- This Finding remains unchanged except that evidence provided in support of this Finding is updated to address potential environmental damage to fish or wildlife and their habitat (item 5 of the finding).
- EVIDENCE:** a) Finding 7 of Resolution 15-084 contains evidence a through m describing how the project is consistent with the Subdivision Map Act and Subdivision Ordinance. Evidence d addresses the Environment component of the Finding and references a Condition (Condition 21) requiring development of a Wildlife Corridor Plan. A new Wildlife Corridor study, Supplemental EIR on the issue of wildlife corridors, and updated mitigation measures to address impacts to wildlife corridor studies has been prepared for the project that are not reflected in Evidence d. To address this, evidence d of Finding 7 should be replaced with the evidence below.
- b) Environment. The design of the subdivision and the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Conditions and mitigations have been identified in the FEIR and FSEIR that would reduce impacts to fish and wildlife to a less than significant level. (See Findings 5 and 6 with supporting evidence).

5. **FINDING:** **CEQA (EIR)** - Finding 8 of Resolution 15-084 states: *“The Board of Supervisors on behalf of the county of Monterey certifies: that the Final Environmental Impact Report (Final EIR) has been completed in compliance with CEQA; that the Final EIR has been presented to the Board of Supervisors, the decision-making body designated by the County Code; that the Board of Supervisors has reviewed and considered the information contained in the Final EIR prior to approving the project; and that the Final EIR reflects the County of Monterey’s independent judgment and analysis.”* This Finding is updated to reflect that references to the Final EIR are inclusive of the Final Supplemental Environmental Impact Report (FSEIR) completed for the Project. Evidence provided in support of this Finding are also clarified and modified to reflect the preparation of the FSEIR.

- EVIDENCE:** a) Finding 8 of Resolution 15-084 contains evidence a through l describing the processes followed pursuant to CEQA. The Evidence does not reflect the preparation of the FSEIR after adoption of the Resolution on April 15, 2015. To address this, evidence b, c, and d below are added to the evidence in Resolution 15-084 and evidence j, k, and l of Resolution 15-084 are modified as described in evidence e, f, and g below.
- b) Legal challenges were filed with respect to approval of the project by the Board of Supervisors on April 7, 2015. After consideration of the challenges, the Court found that the Final EIR was inadequate to address the potential environmental impacts of the Project on wildlife corridors. The County was ordered rescind the April 7, 2015 approval; to suspend any action on the Project other than the preparation, circulation, and consideration under CEQA of a legally adequate EIR with regard to the wildlife corridor issues; and to take no further action on the Project until a legally adequate EIR is prepared with regard to the wildlife corridor issues. Consequently, and in compliance with the Writ, on July 27, 2021, the Board adopted Resolution No. 21-281 to set aside portions of

the April 15, 2015, decision of the Board of Supervisors certifying the Final EIR and approving the project (Resolution 15-084).

- c) Following the Court's decision, applicants for the Project requested that the County begin preparing an updated Environmental Impact Report addressing the wildlife corridor impacts consistent with the Writ. On July 15, 2022, the County published a Notice of Preparation (NOP) of a DSEIR focused on the issue of wildlife corridors. Scoping meetings were held on July 25 and August 15, 2022 to inform Trustee and Responsible Agencies and all interested parties of the preparation of the SDEIR, and to solicit input on the scope of the wildlife corridor analysis. A SDEIR was prepared by Denise Duffy & Associates, Inc. on behalf of the County of Monterey and a Notice of Availability (NOA) was distributed on March 11, 2024 and posted with the County Clerk on March 12, 2024, beginning a 45-day public review period starting on March 12, 2024 and ending on April 26, 2024. The SDEIR was posted on the County's website and made available for public review at the Housing & Community Development Department at 1441 Schilling Place, Salinas. Comments received during the public comment period on the DSEIR, including comments received after the close of the public comment period from the California Department of Fish and Wildlife, have been reviewed.
- d) The County prepared a FSEIR (dated December 2024) which contains responses to comments and changes to the SDEIR. In accordance with State CEQA Guidelines Section 15088(b), the written responses describe the disposition of issues raised in the comments. The SDEIR and FSEIR update the DEIR, REDIR, and Final EIR with information pertaining to wildlife corridors. Together these documents constitute the updated Final Environmental Impact Report for the Project.
- e) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 4), staff reports that reflect the County's independent judgement, and information and testimony presented during public hearings; Harper Canyon (Encina Hills) Subdivision Draft EIR prepared by PMC dated October 2008; Harper Canyon (Encina Hills) Subdivision Recirculated Draft EIR prepared by PMC dated December 2009; Harper Canyon (Encina Hills) Subdivision Final EIR prepared by PMC dated December 2013; Supplemental Draft EIR prepared by Denise Duffy & Associates dated March 2024; and the Final Supplemental EIR prepared by Denise Duff & Associated dated December 2024. These documents are on file in HCD file number PLN000696 and are hereby incorporated herein by reference.
- f) All of the documents that compromise the Final EIR, including the Final Supplemental EIR have been provided to the Monterey County Board of Supervisors in advance of the Board of Supervisors hearings on the Project. The Final EIR was provided to the Board of Supervisors for the May 13, 2015 hearing and again for the April 7, 2015 hearing and again for the April 15, 2025 hearing. The Final Supplemental EIR was provided to the Board of Supervisors for the April 15, 2025 hearing. The Board of Supervisors reviewed and considered the information in the Final EIR and Final Supplemental EIR prior approval of the Project and

makes the findings as set forth herein concern each of the potentially significant effects of the Project.

- g) The Monterey County Housing & Community Development Department (formerly the Resource Management Agency) located at 1441 Schilling Place, Salinas, CA 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final EIR and Final Supplemental EIR (FSEIR) is based.
- h) Staff analysis contained in the FSEIR and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Wildlife regulations. All land development projects that are subject to environmental review are subject to a state filing fee plus the County record fee, unless the California Department of Fish and Wildlife (CDFW), determines that the project will have no effect on fish and wildlife resources. The site supports biological resources. For the purposes of the Fish and Wildlife Code, the Project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. CDFW reviewed the Draft EIR and the Supplemental Draft EIR to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the Project will be resources to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

6. **FINDING:** **EIR – ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** - Finding 9 of Resolution 15-084 states: *“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR. As further described below, potentially significant impacts are mitigated to a less than significant level due to incorporation of mitigation measures from the Final EIR into the conditions of project approval”* This Finding is updated to reflect that references to the Final EIR are inclusive of the Final Supplemental Environmental Impact Report (FSEIR) completed for the Project. Evidence provided in support of this Finding are also clarified and modified to reflect the preparation of the FSEIR.

- EVIDENCE:**
- a) Finding 9 of Resolution 15-084 contains evidence a through j describing changes or alterations and mitigations that have been incorporated to reduce potentially significant impacts to a less than significant level. Evidence c of Resolution 15-084 describes how impacts to biological resources will be mitigated to a less than significant level but it does not address updated mitigations identified in the FSEIR with respect to wildlife corridors. To address this, evidence b, c, d, e, f, g, h, i and j below, should be added to evidence c in Resolution 15-084.
 - b) Mitigation Measure MM 3.3-8a. Consistent with mitigation measure **Mitigation Measure (MM) 3.3-2d**, the applicant shall design the proposed development on the Project site so that homesites, landscaped areas, and outbuildings are located a minimum of 75 to 100 feet from the top of bank of active drainage channels and to remove or relocate development away from the riparian corridor to allow sufficient wildlife

movement and access and preserve other biological resources and habitat. Additionally, no new development or improvements, including fencing, shall occur within 200 feet of the riparian edge. The applicant shall contract with a qualified biologist to delineate the riparian habitat boundaries. This mitigation measure shall be placed as a note on each final map and in the CC&Rs. Riparian habitat boundaries and drainage channels and associated buffer areas where development is prohibited shall be depicted on each final map and submitted to Monterey County Housing and Community Development for review and approval.

- c) Mitigation Measure MM 3.3-8b. Prior to recordation of the final map, CC&Rs shall be established for the subdivision to limit the use and installation of solid barrier fencing beyond future building envelopes and yard areas. Fencing will be designed to allow for wildlife movement but still contain cattle and allow for continued grazing on open space lands, as applicable.
- d) Mitigation Measure MM 3.3-8c. Prior to recordation of the final map, the Monterey County Housing and Community Development shall require the project applicant to dedicate the 154 acres of the 180-acre remainder parcel to the County in accordance with Monterey County Code Section 19.12.010(E)(1). The applicant shall submit to the Monterey County Public Works Facilities Parks for review and approval the necessary documentation to facilitate the land donation prior to the recordation of the final map, including a plan for fencing improvements to be made on the dedicated parcel.
- e) Mitigation Measure MM 3.3-8d. Road lighting will be restricted to that necessary to illuminate the road surface and will not be directed into open space areas. This mitigation measure shall be placed as a note on each final map and in the CC&Rs. Proposed lighting will be depicted on each final map and submitted to Monterey County Housing and Community Development for review and approval.
- f) Mitigation Measure MM 3.3-8e. Any culverts or bridges over drainages will be designed with sufficient capacity to allow for small animal (generally a few inches high and up to 16 inches long) passage (generally a cross-sectional area of 2 to 4 feet for the structure entrance is recommended for small mammals). This mitigation measure shall be placed as a note on each final map and in the CC&Rs. Proposed culverts or bridges over drainages will be depicted on each final map and submitted to Monterey County Housing and Community Development for review and approval.
- g) Mitigation Measure MM 3.3-8f. In order to remove obstacles that would impair movement of wildlife, keep the landscape as permeable as feasible to facilitate wildlife movement, and preserve wildlife corridors between Toro County Park and the Fort Ord National Monument, the owner/applicant shall submit a Wildlife Corridor Plan (WCP) for all the lots on the vesting tentative map. The WCP shall be prepared in consultation with a qualified biologist with expertise in wildlife connective planning and is subject to approval by Monterey County Housing and Community Development. The WCP shall be depicted on the final map with areas dedicated to wildlife movement dedicated as open space and shall identify measures to ensure effective wildlife

movement that apply to subdivision improvements to be implemented through subdivision improvement plans and measures that would be made enforceable restrictions or conditions of development of individual lots within the subdivision. Measures shall include, but are not limited to, the following:

- The wildlife corridor expert shall review the findings of the camera trap study prepared by Denise Duffy and Associates, Inc. for this project as well as other relevant information and studies on wildlife movement in the area and shall identify corridors of adequate width (i.e., minimum 328 feet or 100 meters) that connect Toro County Park to the east with former Fort Ord/Fort Ord National Monument to the west through the project site. Corridors may include, but are not limited to, the established buffer areas along drainage channels and riparian habitat, dirt trails and paths, or other movement corridors identified by the wildlife corridor expert. Corridors identified shall be depicted on the final map and no development shall be permitted within these corridors. If the corridors are bisected by roads or other subdivision improvements, the applicant/owner shall identify how these improvements will not impede wildlife movement or provide for adequate under- or overcrossings where appropriate. If the corridors render any of the sites undevelopable, the applicant shall eliminate or move lots within the subdivision that conflict with the identified corridor.
- Best Management Practices have been developed for wildlife corridors (Beier et al. 2008) and should be considered for inclusion in the WCP, made a note on the final map, and included as enforcement covenants or restrictions on development of lots:
 - Fencing: limit fencing height (how tall as well as ground clearance), ensure adequate opening in fencing (e.g., post and rail), identify fence types, and identify areas where no fencing will be allowed (e.g., areas adjacent to natural drainage courses). The WCP may allow limited solid fencing in the developed areas within the building envelopes, which are required to be designated in accordance with adopted **Mitigation Measure 3.1-2b**. Fencing specifications shall follow recommendations from “A Landowner’s Guide to Wildlife Friendly Fences: How to Build a Fence with Wildlife in Mind” (available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161708#:~:text=We%20recommend%3A&text=A%20top%20wire%20or%20rail,%E2%80%A2%20Preferably%2C%20no%20vertical%20stays.)).
 - Lighting: incorporate wildlife friendly lighting and identify placement of lighting that minimizes impacts to wildlife. Minimize impacts of outdoor night lighting by regulating brightness, shielding, light direction, location, etc.
 - To minimize impacts to the movement of mountain lions and other wildlife species during construction, no night work shall occur during construction.

- Prohibit intentional planting of invasive plants.
- Provide crossing structures on all thoroughfares and maintain them for access.
- Maintain or improve native riparian vegetation.
- Encourage small building footprints on large parcels with a minimal road network.
- Combine habitat conservation with compatible public goals such as recreation and protection of water quality.
- Develop a public education campaign to inform those living and working within the linkage area about living with wildlife, and the importance of maintaining ecological connectivity; encourage keeping pets indoors/accepting depredation on domestic animals as part of rural lifestyle.
- Discourage residents and visitors from feeding or providing water for wild mammals, or otherwise allowing wildlife to lose their fear of people.
- Install wildlife-proof trash and recycling receptacles and encourage people to store their garbage securely.
- Do not install artificial night lighting on rural roads that pass through the linkage design. Reduce vehicle traffic speeds in sensitive locations by speed bumps, curves, artificial constrictions, and other traffic calming devices.
- Encourage the use of wildlife-friendly fencing on property and pasture boundaries, and wildlife-proof fencing around gardens and other potential wildlife attractants.
- Discourage the killing of “threat” species such as rattlesnakes.
- Reduce or restrict the use of pesticides, insecticides, herbicides, and rodenticides, and educate the public about the effects these chemicals have throughout the ecosystem.
- Encourage keeping pets indoors/accepting depredation on domestic animals as part of rural lifestyle.
- Signage will be installed at trailheads and posted within any community open space within the residential development identifying that the area is located in mountain lion habitat. Additional information from CDFW’s Keep Me Wild Mountain Lion brochure may be included on the sign:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=57523&inline>.
- This mitigation measure shall be placed as a note on each final map and in the CC&Rs. Prior to recording the first final map, the Owner/Applicant shall submit the WCP to Monterey County Housing and Community Development for review and approval. Recommendations of the WCP shall be incorporated in the

subdivision improvements plans or made enforceable conditions of development for individual lots in the subdivision.

- h) Mitigation Measure 3.3-8g. Prior to any ground-disturbing activities at the project site, the project applicant shall retain a qualified biologist to conduct pre-construction surveys and implement avoidance and minimization measures for any identified mountain lion dens. Prior to any ground-disturbing activity, regardless of the time of year, a qualified biologist will conduct preconstruction surveys for known or potential mountain lion dens within suitable habitat located within the work area and within 600 meters of the work area. These surveys will be conducted no less than 14 days and no more than 30 days prior to the start of ground-disturbing activities in a work area. Known and potential mountain lion den types will be defined as follows:

- Known den. Any existing natural den or human-made structure that is used or has been used at any time in the past by a mountain lion. Evidence of use may include historical records; past or current radio telemetry or tracking study data; mountain lion sign, such as tracks, scat, and/or prey remains; or other reasonable proof that a given den is being or has been used by a mountain lion.
- Potential den. Any thick vegetation, boulder piles, rocky outcrops, or undercut cliffs within the species' range for which available evidence is insufficient to conclude that it is being used or has been used by a mountain lion. Potential dens will include the following characteristics: (1) refuge from predators (coyotes, golden eagles, other mountain lions); or (2) shielding of the litter from heavy rain and hot sun.

The qualified biologist will use location-specific survey methods to identify known and potential dens. The survey method will consider topography, vegetation density, safety, and other factors. Surveys will be conducted by a qualified biologist (i.e., a biologist with demonstrated experience in mountain lion biology, identification, and survey techniques) and may involve the establishment of camera stations, scent stations, pedestrian surveys (looking for tracks, caches, etc.), or other appropriate methods. Survey methods used will be designed to avoid the disturbance of known or potential dens to the extent feasible. If known or potential mountain lion dens are identified or observed during preconstruction surveys, mountain lion dens will be assumed to have kittens present until the qualified biologist can document that they are not present and/or that the den is not being used. A non-disturbance buffer of at least 600 meters (1,970 feet) will be established around the known or potential den until the qualified biologist can document and confirm that the den is not occupied. If the den is determined to be occupied, the 600-meter non-disturbance buffer will be maintained until the den is confirmed abandoned by the qualified biologist. The 600-meter non-disturbance buffer shall remain in place for two months after the initial survey and a re-survey at that time shall be conducted by the qualified biologist to determine if the female has abandoned the den and relocated the kittens. The County shall consult with CDFW on detection of an active den. Construction may proceed if the qualified biologist determines that

a reduced buffer could be implemented because of topography or other factors, or that the den is not being used by mountain lions.

If avoidance is not feasible, an incidental take permit may be required.

- i) Mitigation Measure 3.3-8h. Prior to ground-disturbing activities at the project site, the project applicant shall retain a qualified biologist will conduct a habitat assessment to determine if the project site and immediate surrounding vicinity contain suitable habitat for the western bumble bee (WBB) and Crotch's bumble bee (CBB). Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs, will be documented as part of the assessment.

If potentially suitable habitat is identified, a qualified biologist will conduct focused surveys for WBB and CBB and their requisite habitat features, following the methodology outlines in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Surveys (2023). If WBB or CBB needs to be captured or handled as part of the survey effort, a 2081(a) Memorandum of Understanding (MOU) will be obtained from CDFW.

If WBB and/or CBB are detected during surveys, all small mammal burrows and thatched/bunch grasses will be avoided during ground-disturbing activities by a minimum buffer of 50 feet to avoid take. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant will consult with CDFW to discuss how to implement project activities and avoid take. If take cannot be avoided, an incidental take permit may be required.

- j) Mitigation Measure 3.3-8i. The project applicant shall retain a qualified biologist to evaluate potential impacts to California tiger salamander (CTS) the survey season(s) immediately prior to project implementation (i.e., ground-disturbance) following the "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (U.S. Fish and Wildlife, 2003). If through consultation with the CDFW, U.S. Fish and Wildlife Service (USFWS), surveys, or during construction, it is determined that CTS are occupying the project site and take cannot be avoided, the applicant shall obtain an incidental take permit pursuant to the state and federal Endangered Species Acts. In the absence of protocol-level surveys, the applicant can assume presence of CTS within the project site and immediately focus on obtaining an incidental take permit.

7. **FINDING:**

CEQA. THE EIR DOES NOT REQUIRE RECIRCULATION. -

Finding 11 of Resolution 15-084 states: *"The EIR does not require recirculation because the Final EIR merely clarified and amplified the analysis in the DEIR and RDEIR and did not contain significant new information. The modifications do not identify a new significant impact that would result from the project or from new proposed mitigation measure, do not result in a substantial increase in the severity of an*

environmental impact, and do not propose mitigation measures considerably different from others previously analyzed but that the applicant has declined to adopt. The mitigation measures that have been modified as described below are equivalent or more effective in mitigating or avoiding potential significant effects and will not themselves cause any potentially significant effect on the environment. The revised mitigation measures were considered at the public hearing of the Board of Supervisors prior to certification of the Final EIR or approval of the project.” This Finding is updated to include clarifications and amplifications to the SDEIR and revised mitigations that are equal or more effective, and that have been agreed to by the applicant, as described in the FSEIR. Evidence provided in support of this Finding are also clarified and modified to reflect the changes made to the SDEIR in the FSEIR.

- EVIDENCE:** a) Finding 11 of Resolution 15-084 contains evidence a through j describing changes made to the Draft EIR and RDEIR in the Final EIR and the reasons those changes did not require recirculation of the EIR prior to certification pursuant to CEQA. The evidence does not reflect the preparation of a SDEIR and the FSEIR and evidence c of Resolution 15-084 discussing mitigation measures modified for biological resources does not include the wildlife corridor condition/mitigation. To address this, evidence c of Resolution 15-084 should be modified as described in evidence b below. Evidence a, b, d, e, f, g, h, i, and j continue to apply to the changes made between the Draft EIR, RDEIR and Final EIR without reference to the FSEIR. In the event that the revised mitigation measures from the Final EIR conflict with mitigation measures from the FSEIR, the mitigation measures described in the FSEIR (attached hereto) apply.
- b) Mitigation Measures that address potential impacts to Biological Resources in the Draft EIR and RDEIR were further amplified by clarifying timing of mitigation, requiring a comprehensive landscape plan prepared in consultation with qualified botanist, requiring the use of local genetic stock for seed mixes, requiring a qualified forest manager to prepare the Final Forest Management Plan and by requiring the owner/applicant to contribute to the Oak Woodlands Conservation Fund. These modifications to the Final EIR further reduced potential impacts to special status plant species, sensitive habitat, Coast Live Oak Trees and Woodlands, and special-status bat species. See FEIR pages 3-16 through 3-22.

Mitigation Measures that address potential impacts to wildlife corridors in the SDEIR were clarified and amplified and new mitigations which have been agreed to by the applicant were added in the FSEIR in response to comments received on the SDEIR. Mitigation measures MM 3.3-8 a, b, d, e, and f were clarified and amplified to be more effective at mitigating impacts of the project on wildlife corridors by clarifying drainage channel setbacks, requiring illustration of corridors on the final map(s), clarifying timing of actions and measures, and amplifying the content and outcomes of the Wildlife Corridor Study. (See FSEIR pages 4.0-1 through 4.0-4). Mitigation Measures 3.3-8g, h, and i were added in response to comments received on the SDEIR from CDFW. The new

mitigation measures require preconstruction surveys for mountain lion dens, western bumble bee, and California Tiger Salamander. If these species are discovered avoidance and minimization measures are required. If impacts cannot be avoided, incidental take permits from CDFW are required. The applicant has agreed to these new mitigation measures.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Certify the Final Supplemental Environmental Impact Report (“FSEIR”) for the Harper Canyon/Encina Hills project (State Clearinghouse Number: 2003071157), which supplements the Final Environmental Impact Report for the same project with information pertaining to wildlife corridors;
- b. Reinstate Board of Supervisors Resolution No. 15-084 for the Harper Canyon/Encina Hills project which:
 - i. Certified the Final Environmental Impact Report for the project;
 - ii. Adopted a Statement of Overriding Considerations;
 - iii. Upheld an appeal by Harper Canyon Realty LLC of the Planning Commissions denial of the project;
 - iv. Approved a Combined Development Permit consisting of a:
 - 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel;
 - 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction;
 - 3) Use Permit for development on slopes in excess of 30 percent;
 - 4) Use Permit for the creation of a public water system with a standalone treatment facility; and
 - 5) Grading for net cut and fill of approximately 2,000 cubic yards; and
 - v. Adopted a Mitigation Monitoring and Reporting Plan.
- c. Modifying reinstated Resolution No. 15-084 as described in the Findings and Evidence contained herein relating to wildlife corridors, the FSEIR, and the record, in conformance with the Monterey County Superior Court’s Second Amended Peremptory Writ of Mandate issued on July 1, 2021 (Case Number M131193); and
- d. Adopt a Revised Mitigation Monitoring and Reporting Plan (“MMRP”) reflecting modifications to the reinstated permit and replacing the previously adopted MMRP.

PASSED AND ADOPTED this 15th day of April 2025 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book_____ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

Exhibit 1

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County of Monterey HCD Planning

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

PLN000696

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN000696) allows: 1) a Standard Subdivision Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); and 5) grading for net cut and fill of approximately 2,000 cubic yards. The project is located north of San Benancio Road approximately 0.8 miles east of Highway 68, Salinas (Assessor's Parcel Numbers 416-611-001-000, 416-611-002-000, 416-621-001-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Multiple final maps may be filed, but not to exceed four (4) final maps. Applicant shall have the right to file phased final maps in such order and at such rate and at such time as Applicant deems appropriate, so long as the tentative map has not expired. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

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

Monitoring Measure: "A Combined Development Permit (Resolution Number 15-084) was reinstated and amended (Resolution No. ***) by the Board of Supervisors for Assessor's Parcel Numbers 416-611-001-000, 416-611-002-000, and 416-621-001-000 on April 15, 2025. The permit was granted subject to 118 conditions of approval, including 44 mitigation measures, which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of Planning prior to recording the first final map. (RMA - Planning)

Compliance or Prior to recording the first final map, the Owner/Applicant shall provide proof of
Monitoring recordation of this notice to the HCD- Planning.
Action to be
Performed:

3. PD007- GRADING WINTER RESTRICTION

Responsible Department: Planning

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

Compliance or Prior to recording each final map, this condition shall be placed as a note on the final
Monitoring map.
Action to be

Performed:

The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning

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

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

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

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

Responsible Department: Planning

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

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

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

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: Planning

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

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

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

7. PD015 - NOTE ON MAP-STUDIES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on each final map or a separate sheet to be recorded with the final map stating:

"The following reports are on file in Monterey County RMA - Planning:

- Archaeological Consulting. Preliminary Cultural Resources Reconnaissance of Portions of APN 416-211-21 and 415-011-01, San Benancio, Monterey County, California. March 22, 1993 (LIB060466).
- D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001 (LIB060463).
- Higgins Associates. Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis. Higgins Associates. May 29, 2001, February 11, 2002, and May 28, 2008 (LIB060464 and LIB060465).
- Monterey, County of. Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003. Revised October 2010 (LIB060468).
- Pacific Municipal Consultants. Archaeological and Historical Resources Investigations for the Harper Canyon Project. May 2006.
- Staub Forestry and Environmental Consulting. Addendum to Forest Management Plan dated June 2001 for Monterey County APNs 416-611-01 and 416-611-03 – Encina Hills. April 28, 2008 (LIB060467).
- Staub Forestry and Environmental Consulting. Forest Management Plan. June 2001 (LIB060467).
- Zander Associates. Biological Resources Assessment. July 13, 2001 (LIB060470).
- Zander Associates. Biological Resources Assessment. November 11, 2005 (LIB060470).
- Zander Associates. Results of Follow-Up Survey. October 3, 2001 (LIB060470).
- Preliminary Drainage Report for Encina Hills Subdivision prepared by Whitson Engineers, Monterey, California. September 28, 2006. (LIB060566).
- Preliminary Drainage Report for Encina Hills Subdivision prepared by Whitson Engineers, Monterey, California. March 22, 2007. (LIB070167).
- 72 Hour Constant Rate Well Pumping and Aquifer Recovery Tests for Ambler Oaks & Encina Hills Wells for Harper Canyon Subdivision prepared by Bierman Hydrogeologic, February 7, 2015 (LIB150059).
- Wildlife Camera Trapping Study Report, prepared by Denise Duffy & Associates, Inc., November 2023

The recommendations contained in said reports shall be followed in further development of this property."

The note on each final map shall be located in a conspicuous location, subject to the approval of the County Surveyor.

(RMA - Planning)

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

8. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to or concurrent with recording the first final map, a notice shall be recorded with the Monterey County Recorder which states:

"The following reports are on file in Monterey County RMA - Planning:

- Archaeological Consulting. Preliminary Cultural Resources Reconnaissance of Portions of APN 416-211-21 and 415-011-01, San Benancio, Monterey County, California. March 22, 1993 (LIB060466).
- D&M Consulting Engineers, Inc./Terratech. Geological and Geotechnical Feasibility Study. August 6, 2001 (LIB060463).
- Higgins Associates. Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis. Higgins Associates. May 29, 2001, February 11, 2002, and May 28, 2008 (LIB060464 and LIB060465).
- Monterey, County of. Health Department, Environmental Health Division (MCHD). Project Specific Hydrogeological Report – Harper Canyon Realty, LLC Subdivision prepared by Todd Engineers. September 2002. Updated July 2003. Revised October 2010 (LIB060468).
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- Zander Associates. Results of Follow-Up Survey. October 3, 2001 (LIB060470).
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- Preliminary Drainage Report for Encina Hills Subdivision prepared by Whitson Engineers, Monterey, California. March 22, 2007. (LIB070167).
- 72 Hour Constant Rate Well Pumping and Aquifer Recovery Tests for Ambler Oaks & Encina Hills Wells for Harper Canyon Subdivision prepared by Bierman Hydrogeologic, February 7, 2015 (LIB150059).
- Wildlife Camera Trapping Study Report prepared by Denise Duffy & Associates, Inc., November 2023.

The recommendations contained in said reports shall be followed in further development of this property." (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to or concurrent with recording the first final map, the Owner/Applicant shall submit proof of recordation of this notice to RMA - Planning.

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

9. PDSP001 - DEED RESTRICTION - BEST MANAGEMENT PRACTICES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to the recording the first final map, the applicant shall record a deed restriction as a condition of project approval stating that:

"Prior to any grading and construction and issuance of grading and building permits, throughout construction and ongoing, the Owner/Applicant and Contractor and Qualified Biologist shall be adhere to following Best Management Practices (BMPs) throughout construction activities to avoid impacts to the Coast Live Oak Forest habitat:

- Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary;
- No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above;
- No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional;
- Roots exposed by excavation during construction shall be pruned promptly to promote callusing, closure, and regrowth; and;
- All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel.

1. Prior to commencement of project construction, issuance of grading or building permits, throughout construction and ongoing, the applicant and their designated contractor shall be responsible for implementing Best Management Practices.

2. This condition shall be shown as a note on the final map and all construction plans.

3. A monitoring inspection shall occur prior to issuance of grading and/or building permits. Submit a report of inspection to the RMA – Planning Director for review and approval.

4. A monitoring inspection shall occur prior to occupancy or final permit. Submit a report of inspection to the RMA – Planning Director for review and approval."
(RMA – Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to the recordation of the first final map, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA – Planning for review and signature by the County.

The deed restriction shall be recorded concurrently with the first final map.

10. PDSP002 - EMERGENCY ACCESS EASEMENT (NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to the recording the first final map, the applicant shall indicate and offer an Emergency Access Easement to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision. (RMA - Planning, RMA - Public Works Department, Monterey Regional Fire Protection District)

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall explore with the Monterey Regional Fire Protection District the placement of Emergency Access Easement to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision, and then confirm to RMA - Planning and RMA - Public Works that such easement is feasible and is shown on the final map.

Prior to recording the first final map, the Owner/Applicant shall design and incorporate all infrastructure as necessary to convey such emergency access into the roadway and subdivision improvements, subject to review and approval of RMA - Planning and RMA - Public Works.

Prior to recording the first final map, the Owner/Applicant shall prepare the easement document to convey an Emergency Access Easement to the adjacent western properties abutting the Harper Canyon (Encina Hills) Subdivision. The document shall be submitted to to RMA - Planning and RMA - Public Works for review and approval.

The easement shall be recorded concurrently with the first final map.

11. PDSP003 - SETBACKS FROM TORO PARK (NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: For those properties adjacent to Toro Regional Park, building areas shall be set back at least 100 feet to allow for control of vegetation and fire fuel loads. This setback of 100 feet would apply to Lots 1, 2, and 11-15. The final map shall illustrate a 100 foot buffer intended for control of vegetation and fire fuel loads and shall indicate that structures are not permitted within the buffer. (RMA - Planning and RMA - Public Works)

Compliance or Monitoring Action to be Performed: Prior to recording the final map that includes Lots 1, 2, 11, 12, 13, 14, and/or 15, the Owner/Applicant shall show on the final map that the areas on Lots, 1, 2, 11, 12, 13, 14, and 15 within 100 feet of Toro Regional Park are for control of vegetation and fire fuel loads. No structures shall be permitted within this area. The map shall be submitted to RMA - Planning and RMA - Public Works for review and approval.

12. PDSP005 - WATER INTENSIVE USES PROHIBITED (NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recording the first final map, the project applicant shall submit CC&Rs for review and approval by the Director of RMA - Planning that prohibit water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots and common areas. (RMA - Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to recording the first final map, the Director of RMA - Planning shall review the CC&Rs to verify that water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots and common areas are prohibited.

13. PDSP006 - LANDSCAPING (NON-STANDARD)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the project applicant shall submit for review and approval by the Director of RMA - Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. The Landscape Documentation Package shall demonstrate compliance with the substantive requirements of the Department of Water Resources' Model Water Efficient Landscape Ordinance, Title 23, California Code of Regulations, Sections 490–495, or any subsequent water conservation Ordinance adopted by the County for the same purpose. The landscape plan shall also incorporate measures identified in mitigation measures MM 3.3-2a, 3.3-8a, and 3.3-8f, as well as any other condition or mitigation addressing landscape requirements or limitations for the subdivision. The final map and each site plan shall indicate that submittal and approval of the Landscape Documentation Package for each lot is required for development of the lot prior to issuance of building permits. Building permits shall specify ongoing compliance with the ordinances in place at the time of issuance. (RMA - Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permits, the project applicant shall submit for review and approval by the Director of RMA - Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. The Landscape Documentation Package shall demonstrate compliance with the substantive requirements of the Department of Water Resources' Model Water Efficient Landscape Ordinance, Title 23, California Code of Regulations, Sections 490–495, or any subsequent water conservation Ordinance adopted by the County for the same purpose. Ongoing compliance with the ordinances in place at the time of issuance of building permits shall be required.

14. PDSP007 - ULTRA LOW FLOW DEVICES (NON-STANDARD)

Responsible Department: Planning

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

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Action to be Performed: Prior to recording the first final map, the Director of RMA - Planning shall review the CC&Rs to verify that they contain language requiring that all toilets installed on the project site meet the requirements of the U.S. Environmental Protection Agency's specifications for Water Sense Tank-Type High-Efficiency Toilets and ultra low flow devices, respectively.

15. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No. 15-084) as modified by Resolution No. *** for the Harper Canyon (Encina Hills) Combined Development Permit (Planning File No.: PLN000696) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

16. PD051 - REMAINDER PARCEL ON THE PARCEL/FINAL MAP

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map that includes the Remainder Parcel stating "Prior to a permit or other grant of approval for the development of a remainder parcel, a Certificate of Compliance shall be recorded for the remainder parcel." Notes shall also be placed on the final map specifying the conditions required for the remainder parcel. The conditions shall enumerate all construction requirements for improvements, including payment of fees associated with any deferred improvements, which are necessary for public health or safety or as a prerequisite to the orderly development of the surrounding area. The conditions shall be fulfilled prior to a permit or other grant of approval for the development of a remainder parcel. (RMA- Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map that contains the Remainder Parcel, the Owner/Applicant shall submit a draft final map with conditions applicable to the reminder parcel to RMA - Planning and RMA - Public Works for review and approval.

Prior to a permit or other grant of approval for the development of a remainder parcel, the Owner/Applicant shall request that RMA-Planning record a Certificate of Compliance for the remainder parcel.

17. PD052 - PRE-CONSTRUCTION MEETING

Responsible Department: Planning

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

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

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

18. PD011(A) - TREE REMOVAL

Responsible Department: Planning

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

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

19. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 2 years, to expire on April 15, 2027 unless final map has been recorded within this period. (HCD)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall record the first final map to the satisfaction of the Director of Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

20. EDSP001 - AFFORDABLE HOUSING (NON-STANDARD)

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: The project is subject to the County's Inclusionary Housing Ordinance, #3419, which requires that prior to the recording the final map, the project applicant pay, or secure to the satisfaction of the Economic Development Department Director, an in-lieu fee of \$409,555.50, (\$160,610 per inclusionary unit, 2.55 equivalent units required). (Economic Development Department)

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall submit payment of the in-lieu fee and/or executed documents to secure payment to the Director of the Economic Development Department.

21. EH1 - WATER SYSTEM PERMIT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain a new or amended water system permit from the Division of Environmental Health.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/ building permits or prior to filing the first final map, submit necessary application, reports and testing results to EH for review and approval.

22. EH3 - WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Water system improvements shall include the installation of a minimum 5 horsepower (hp) pump in the Oaks well owned by California-American Water Company (Cal-Am Water Co.) at the Owner/Applicant's expense.

Compliance or Monitoring Action to be Performed: Prior to filing the first final map, submit engineered plans for the water system improvements to Cal Am Water Co. for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by Cal Am Water Co. prior to installing or bonding the improvements.

23. EH4 - FIRE FLOW STANDARDS

Responsible Department: Health Department

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

Compliance or Monitoring Action to be Performed: Prior to installing or bonding water system improvements, submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.

24. EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.

25. EH6 - WATER SERVICE CAN/WILL SERVE

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that Cal Am Water Co. can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards.

Compliance or Monitoring Action to be Performed: Prior to filing the first final map and/or issuance of a building permit, submit written certification to the Division of Environmental Health for review and approval.

26. EHSP02 HAZARDOUS WASTE CONTROL

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The owner/ operator of the water treatment plant shall comply with the standards found in the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Division 20, Chapter 6.5, and the Monterey County Code Chapter 10.65 for the proper handling, storage and disposal of Hazardous Waste generated at the plant as approved by the Environmental Health Bureau (EHB).

Compliance or Monitoring Action to be Performed: This condition shall be placed as a note on each final map.

Compliance or Monitoring Action to be Performed: Prior to commencement of operation of the water treatment plant the owner/operator shall be registered with Hazardous Materials Management Services of the Environmental Health Bureau.

27. EH24 - SEWER SERVICE CAN/WILL SERVE

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Provide certification to the Division of Environmental Health that Cal Utilities can and will provide sewer service for the proposed property/project.

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Action to be Performed: Prior to issuance of a building permit, submit certification to Environmental Health for review and approval.

28. EH25 - INSTALL/BOND SEWER SYSTEM IMPROVEMENTS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the sewer system improvements and provide security guaranteeing the performance of the Agreement.

Compliance or Monitoring Action to be Performed: Prior to filing each final map, submit evidence to the Division of Environmental Health that the sewer system improvement installation has been accepted by the regulating agency or that the developer has entered into a Subdivision Improvement Agreement and has provided security acceptable to the County.

29. EHSP01 HAZ MAT BUSINESS RESPONSE PLAN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant / owner operator of the water treatment plant, shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: This condition shall be placed as a note on each final map.

Action to be Performed: Prior to issuance of grading / building / operating permits for the construction of the water treatment plant, the applicant /owner operator of the water treatment plant shall submit a signed Business Response Plan – Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with HMMS prior to bringing hazardous materials on site and/or commencement of operation. Once approved, the applicant shall maintain an up-to date Business Response Plan.

30. PKSSP001 – RECREATION REQUIREMENTS/ LAND DEDICATION (NON-STANDARD CONDITION)

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Applicant shall comply with Section 19.12.010 - Recreation Requirements, Subsection E.1., General Formula, by dedicating land to Monterey County that is contiguous to Toro County Park in the amount of approximately 154 acres with improvements to said land to satisfy recreation fees otherwise imposed. The improvements shall include (1) the repair of the fencing that delineates the dedicated park property from the proposed subdivision toward discouraging trespassing into the park along this boundary, and (2) the removal of the fencing that divides the large meadow area at the center of the property for improved public use. The property transfer to Monterey County shall not be encumbered by a grazing lease, but shall be at the discretion solely of the County Parks Department. The applicant shall submit to the Parks Department for review and approval the necessary documentation to facilitate the land donation. (Parks Department)

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall submit to the Parks Department for review and approval the necessary documentation to facilitate the land donation prior to the recordation of the Final Map, including a plan for the improvements to be made on the dedicated parcels(s) to open the large meadow area at the center of the property for public use by fence removal, and to discourage trespassing into the park from the proposed subdivision by repairing the fencing between the two properties.

31. PKSSP002 – NON STANDARD CONDITON

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: While the final location of homesites may vary from the “approximate” homesite locations depicted on the Tentative Map, the final locations shall comply with the 30% slope and ridgeline regulations, as specified in Title 21. Additionally, in order to protect public views from Toro Park, no buildings shall be constructed on the highest knoll of Lot 1 or at other home sites along the Toro County Park boundary line so as not to be visible from common public viewing areas within the Park. (Parks Department)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.
Prior to the issuance of building permits, the Owner/Applicant shall provide evidence to the County Parks Department that construction of residences along the Toro County Park boundary line is not visible to park visitors. The County Parks Department shall require at their discretion, such evidence as staking and flagging of the residences on-site, site visits, and/or simulated views imposed on photographs when viewed from common public viewing areas within the park.

32. PRKSSP003 – PROHIBITION AGAINST PRIVATE ENTRANCE INTO TORO COUNTY PARK (NON-STANDARD CONDITION)

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The 30-foot wide emergency access easement between Alta Lane and the Toro County Park boundary shall not be used as a public or private access point or a trail into the park. Prior to filing the first final map, the identification of this easement as a trail shall be removed from the map. (Parks Department)

Compliance or Monitoring Action to be Performed: Prior to recording the first final map, the Owner/Applicant shall install a fence and signage that prohibits use as an access point into Toro County Park and the Homeowner's Association shall maintain that fence and signage to ensure its structural integrity and status as a bar to public or private access to Toro County Park. The County Parks Department shall review and approve this CC&R provision, the fencing and signage, and may reinforce this prohibition with supplemental signage at appropriate locations at its discretion.

33. PW0002 - ENCROACHMENT (TURN)

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct left turn channelization at the intersection of Meyer Road and San Benancio Road. (Public Works)

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.
Prior to Building/Grading Permit Issuance Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

34. PW0015 - UTILITY'S COMMENTS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Owner/ Applicant/ Subdivider shall submit the approved tentative map to impacted utility companies. Subdivider shall provide confirmation to the Department of Public Works that the utility companies have reviewed and approved the tentative map. (Public Works)

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

35. PW0016 - MAINTENANCE OF SUBDIVISIONS

Responsible Department: Public Works

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

Compliance or Monitoring Action to be Performed: On an ongoing basis, the Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

36. PW0017 - NATURAL DRAINAGE EASEMENT

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The Subdivider shall designate all natural drainage channels on the final map by easements labeled "Natural Drainage Easement." (RMA- Public Works)

Compliance or Monitoring Action to be Performed: Prior to Recordation of each final map, the Subdivider shall submit each proposed final map to the Public Works Department prior to recordation to verify compliance.

37. PW0020 - PRIVATE ROADS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads. (Public Works)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the Subdivider's Surveyor shall designate private roads on each final map.

38. PW0021 - ROAD NAMES

Responsible Department: Public Works

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

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

39. PW0023 - IMPROVEMENT PLANS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)

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

40. PW0024 - STOP SIGN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Install and maintain a stop sign at the private road intersection fronting proposed lots 12, 14, 15, and 16. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to approval of the first final map, the Applicant shall construct the improvements or enter into a Subdivision Improvement Agreement with financial security to construct the improvements within a time frame required by Public Works.

On an ongoing basis, Subdivider/Applicant/HOA shall install and maintain stop sign.

41. PW0026 - PLANTING FOR GRADED AREAS

Responsible Department: Public Works

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

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

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

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

Responsible Department: Public Works

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

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

43. PW0030 – HOMEOWNERS ASSOCIATION

Responsible Department: Public Works

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

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

44. PW0032 - AS BUILT PLANS

Responsible Department: Public Works

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

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

45. PWSP001 - NON-STANDARD - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works

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

Compliance or Monitoring Action to be Performed:

The condition shall be included as a note on each final map.

1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases, the Owner/Applicant/Contractor shall implement the approved measures during the construction/ grading phase of the project.

46. PWSP002 - UTILITIES - SUBDIVISION (NON-STANDARD)

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: All new utilities installed for the purpose of providing service to the subdivision shall be placed underground. The utilities shall either be installed prior to recordation of each final map, or bonded through a Subdivision Improvement Agreement prior to filing each final map. If the installation of the improvements are bonded through a Subdivision Improvement Agreement, a note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to this subdivision shall be placed underground in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." The note shall be located in a conspicuous manner subject to the approval of the Director of RMA-Public Works. (RMA- Public Works)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Action to be Performed: Prior to recording each final map, the Owner/ Applicant shall Install or bond through a Subdivision Improvement Agreement for the underground utility facilities.

47. PWSP003 - NON-STANDARD - TRAFFIC

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of the first final map, the project applicant shall contract with a certified engineer to design roadway improvements to widen and resurface Meyer Road per the County of Monterey standards for a cul-de-sac private road (e.g. 18-foot wide roadbed). The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (Public Works)

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

2.- Prior to approval of the first Final Map, the Project Applicant shall construct improvements to Meyer Road in accordance with approved roadway improvement plans or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to occupancy of any of the residential units.

48. PWSP004 - NON-STANDARD - TRAFFIC

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of the first final map, the project applicant shall contract with a qualified traffic engineer to prepare a sight distance improvement plan at the Meyer Road/San Benancio Road intersection. The improvement plan shall include but not be limited to the following: trimming the vegetation and grading the embankment in the vicinity of the intersection and installing right turn tapers into and out of Meyer Road. The design of all intersection improvements shall be subject to review and approval by the County of Monterey Public Works Department. All improvements shall be completed prior to occupancy of any residential units. (Public Works)

Compliance or Monitoring Action to be Performed:

- 1.- Prior to approval of the first Final Map, the Project Applicant shall obtain approval of sight distance improvement plans from the Department of Public Works.
- 2.- Prior to approval of the first Final Map, the Project Applicant shall Implement site distance improvement plan in accordance with approved plans or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to occupancy of any of the residential units.

49. PWSP005 - NON-STANDARD - TRAFFIC

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of the first final map, the project applicant shall design a 12-foot wide southbound San Benancio Road left-turn lane at the Meyer Road/San Benancio Road intersection in accordance with Caltrans standards and guidelines and shall construct the improvement no later than prior to issuance of a grading permit for road improvements. (Public Works).

Compliance or Monitoring Action to be Performed: Prior to approval of the first Final Map, the Project Applicant shall design said improvements, submit the plans for review and approval by Public Works, and construct the improvements or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to issuance of a grading permit for road improvements.

50. PWSP008 - NON-STANDARD - TRAFFIC

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The turn-around bulb on Sierra Lane and Alta Lane shall be paved to a width subject to the approval of the Monterey Regional Fire Protection District. (Public Works)

Compliance or Monitoring Action to be Performed:

The condition shall be included as a note on each final map.

- 1.- Prior to issuance of grading and/ or building permit, the Applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
- 2.- Prior to final building inspection, the Applicant or owner shall schedule fire dept. clearance inspection for each phase of development.

51. PWSP009 - NON-STANDARD – TRAFFIC

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and implement/construct improvements as specified in the approved sight distance improvement plan at the Meyer Road/ San Benancio Road intersection. (Public Works)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on the first final map and in the CC&Rs.

Action to be Performed: Prior to Building/ Grading Permit Issuance, Owner/ Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

52. WR041 - NOTICE OF WATER CONSERVATION REQUIREMENTS

Responsible Department: Water Resources Agency

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

Compliance or Monitoring Action to be Performed: Submit a recorded notice to the Water Resources Agency for review and approval. A copy of the County's standard notice can be obtained at the Water Resources Agency.

Recordation of the notice shall occur concurrently with each final map.

53. WR042 - LANDSCAPING REQUIREMENTS

Responsible Department: Water Resources Agency

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

Compliance or Monitoring Action to be Performed: Submit the recorded notice to the Water Resources Agency for review and approval. A copy of the County's standard notice can be obtained at the Water Resources Agency.

Recordation of the notice shall occur concurrently with each final map.

54. WR046 - CC&R WATER CONSERVATION PROVISIONS

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Water Resources Agency with a copy of the subdivision Covenants, Conditions and Restrictions containing the following provisions from Monterey County Ordinance No. 3932: "All new construction shall 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." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to filing the first final map, submit the CC&R's to the Water Resources Agency for review and approval.

55. WRSP001 - DRAINAGE NOTE

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A note shall be recorded on each final map stating: "Impervious surface stormwater runoff shall be directed to the stormwater drainage system. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency." Prior to recordation of each final map, the applicant shall provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to filing each final map, submit a copy of the final map to the Water Resources Agency for review and approval prior to recordation.

56. WRSP002 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: A homeowner's association, CSD, or similar entity shall be formed for the maintenance of roads and drainage facilities. Prior to filing the final map, a copy of a signed and notarized Drainage and Flood Control Systems Agreement (Agreement) shall be provided to the Water Resources Agency for review & approval. The Agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Agency for review and approval no later than August 15 of each year. If the responsible party identified in the Agreement, after notice and hearing, fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County 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. 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 before the Board of Supervisors to determine the appropriateness of the cost. The Agreement shall be recorded concurrently with the first final map. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval. A copy of the County's standard agreement can be obtained at the Water Resources Agency.

The Agreement shall be recorded concurrently with the first final map.

57. WRSP003 - COMPLETION CERTIFICATION

Responsible Department: Water Resources Agency

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

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map.
Prior to issuance of any building permits, the applicant shall submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with the approved drainage plan.

58. FIRE001 - ROAD ACCESS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.

Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as Fire Department Notes on plans.

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

59. FIRE002 - ROADWAY ENGINEERING

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

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

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

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

60. FIRE006 - DEAD-END ROADS (4)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as "Fire Department Notes" on improvement plans.

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

61. FIRE007 - DRIVEWAYS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring The condition shall be included as a note on each final map.

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

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

62. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

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

63. FIRE009 - BRIDGES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the bridge into design and print the text of this condition as "Fire Department Notes" on improvement plans.

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

64. FIRE010 -ROAD SIGNS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. Responsible Land Use Department: Monterey County Regional Fire District

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

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

65. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.
Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

66. FIRE016 - SETBACKS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.
Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

67. FIRE017 - DISPOSAL OF VEGETATION AND FUELS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and disposal and shall obtain fire department approval of the final fire inspection

68. FIRE018 - GREENBELTS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the Reviewing Authority. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to filing of each final map for subdivisions, Applicant shall incorporate specification into the improvement plans and print the text of this condition as "Fire Dept. Notes" on the improvement plans

Prior to issuance of building permits, Applicant shall complete the greenbelt(s) and shall obtain fire department approval of the subdivision improvements

69. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

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

70. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: The condition shall be included as a note on each final map.

Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

71. FIRES001 - NON-STANDARD CONDITION - ROADWAY & WATER SYSTEM ENGINEERING PLANS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Roadway and water system improvements shall be submitted and approved by the Monterey County Regional Fire District prior to the approval of each subdivision final map. Responsible Agency: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to approval of each final map, Applicant shall submit roadway and water system improvement plans to the fire district and obtain fire district approval of the plans.

72. FIRES002 - NON-STANDARD CONDITION - ROADWAY MAINTENANCE AGREEMENT

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The roadway maintenance agreement shall be executed and recorded. Responsible Agency: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to approval of the first final map, Applicant shall submit to the fire district an executed and recorded copy of the roadway maintenance agreement.

73. FIRES003 - NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Hydrants for fire protection shall be provided at locations approved by the Monterey County Regional Fire District and shall conform to the following requirements:

- a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow for one and two-family dwellings is 1,000 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Fire Flow for one- and two-family dwellings protected with automatic fire sprinkler systems may be reduced to 500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours.
- b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
- c. HYDRANT/FIRE VALVE (ADDITION) - New hydrant(s) shall be installed.
- d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant(s) or fire valve(s) shall be 18 inches above grade (at the lowest outlet), 8 feet from combustible vegetation, not closer than 4 feet and not further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
- e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix C and in accordance with the following specifications:
 1. HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches in diameter (nominal) and shall be wet barrel type with a coefficient of 0.9.
 2. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Responsible Agency: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to approval of each final map, Applicant shall incorporate the fire hydrant specification into the water system improvement plans and print the text of this condition as "Fire Department Notes" on the water system improvement plans.

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

74. MM 3.1-1 AESTHETICS AND VISUAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recording the Final Subdivision Map, the project applicant designate the knoll located along the eastern boundary of Lot #1 as a "scenic easement." The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement." (RMA-Planning)

Compliance or Monitoring Action to be Performed: The Scenic Easement shall be conveyed to the County of Monterey.

Prior to recording the final map containing Lot #1, the Owner/Applicant shall submit the final map to the Director of RMA - Planning for review and approval. The Director of RMA - Planning shall prepare the Scenic Easement document and the Owner/Applicant shall sign the Scenic Easement document in the presence of a notary.

The Scenic Easement shall be recorded concurrent with recording the final map.

75. MM 3.1-2a AESTHETICS AND VISUAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recording the Final Subdivision Map, Monterey County Planning Department shall require that the project applicant designate all land that exceeds slopes of 30 percent as "scenic easements" in accordance with Policy 26.1.10 of the Monterey County General Plan, except where roadway improvements have no other alternative. This includes land exceeding 30 percent slopes within the 17 residential lots. The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement." (RMA-Planning)

Compliance or Monitoring Action to be Performed: The Scenic Easement shall be conveyed to the County of Monterey.

Prior to recording each final map, the Owner/Applicant shall submit the final map to the Director of RMA - Planning for review and approval. The Director of RMA - Planning shall prepare the Scenic Easement document and the Owner/Applicant shall sign the Scenic Easement document in the presence of a notary. The Scenic Easement document shall also incorporate the applicable recommendations in the approved Wildlife Corridor Plan required in RMA-Planning Condition PDSP004 (Condition No. 21).

The Scenic Easement shall be recorded concurrent with recording of each final map.

76. MM 3.1-2b AESTHETICS AND VISUAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: To further reduce the potential visibility of proposed development from common public viewing areas, Toro Park, BLM public lands and State Route 68, prior to recording the Final Subdivision Map, the project applicant shall designate building envelopes on each proposed lot and clearly identify the location of all utility and infrastructure improvements (including water tank(s)) to define the building areas. The building envelopes, utilities and infrastructure improvement locations shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. These shall be subject to review and approval by the RMA-Planning Department. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall designate building envelopes and shall clearly identify the location of all utility and infrastructure improvements (including water tanks). The building envelopes, utilities and infrastructure improvement locations shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. The final map shall be submitted to the Director of RMA - Planning for review and approval.

77. MM 3.1-2c AESTHETICS AND VISUAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: In order to preserve the visual character of the project site and surrounding area, the project applicant shall prepare design standards that shall be recorded on the titles for all of the parcels. These shall apply to all site development, architectural design and landscape plans. These shall include the following elements:

- a) Use of natural materials, simulated natural materials, texturing and/or coloring that will be used for all walkways, patios, and buildings.
- b) Use of rolled curbs for areas where curbs may be required;
- c) Substantial use of vegetative screening using a native drought tolerant plant palette to obscure off-site view;
- d) Re-planting with native grasses and vegetation of any roadways serving the subdivision and individual parcels; and
- e) A planting plan shall be submitted to the RMA-Planning Department for review and approval prior to the approval of grading plans for creation of subdivision roadways. A planting plan shall be submitted as part of the Design Review approval process for each residential lot. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs. Prior to recording each final map, the Owner/Applicant shall submit the final map to the Director of RMA - Planning for review and approval.

The Director of RMA - Planning shall prepare the a deed restriction reflecting the language in the condition and the Owner/Applicant shall sign the deed restriction in the presence of a notary.

The deed restriction shall be recorded concurrently with each final map.

Prior to issuance of grading permits for roadways and during the design review for development on each lot, the Owner/Applicant shall submit a planting plan to RMA-Planning for review and approval.

78. MM 3.1-4 AESTHETICS AND VISUAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on lots proposed on the project site, Monterey County Planning Department shall require that the project applicant prepare and submit for review and approval a detailed lighting plan that indicates the location, type, and wattage of all light fixtures to be installed on the project site and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The lighting plan shall be consistent with Section 18.28 of Monterey County Code, to minimize glare and light spill. All external lighting shall be indicated on project improvement plans, subject to review and approval by the County of Monterey. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This condition shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permits or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on lots proposed on the project site, the Owner/Applicant prepare and submit a detailed lighting plan that indicates the location, type, and wattage of all light fixtures to be installed on the project site and include catalog sheets for each fixture to the Director of RMA - Planning for review and approval. The lighting plan shall also incorporate the applicable recommendations in the approved Wildlife Corridor Plan required in RMA-Planning Condition PDSP004 (Condition No. 21).

79. MM 3.2-1a AIR QUALITY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure:

During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce airborne particulate matter, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure;
- Prohibit all grading activities during periods of high wind (over 15 mph);
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;
- Cover all trucks hauling soil, sand, and other loose materials and require all trucks to maintain at least 2 feet of freeboard;
- Plant vegetation ground cover in disturbed areas as quickly as possible;
- Sweep daily, with water sweepers, all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets;
- Plant tree windbreaks on the windward perimeter of construction project if adjacent to open land;
- Cover inactive storage piles;
- Install wheel washers at the entrance to construction sites for all existing trucks;
- Pave all roads on construction sites;
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints; and
- Limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth moving (e.g., finish grading). (RMA-Planning)

Compliance or Monitoring Action to be Performed:

This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a grading plan to RMA-Planning noting best available control measures for minimizing PM10 emissions.

On an on-going basis during construction, the Contractor shall implement the requirements of this mitigation measure.

80. MM 3.2-1b AIR QUALITY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce toxic air contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan. BACM typically recommended by the MBUAPCD include, but are not limited to, the following:

- Limit the hours of operation consistent with related noise restrictions;
- Utilize gasoline-powered equipment whenever an equipment choice is available;
- Use PuriNOx emulsified diesel fuel in existing engines;
- Repower and utilize heavy equipment with current standard diesel technology or CNG/LNG technology; and
- Demonstrate on construction documents how construction phasing and equipment programming will comply with County policies and BACMs identified by the Air District. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of grading permits, the Owner/Applicant shall submit a grading plan to RMA-Planning that demonstrates how the best available control measures for controlling ozone precursors (NOx and ROG), SOx, CO, and other toxic air contaminate emissions will be implemented during grading and construction of the project.

On an on-going basis during construction, the Contractor shall be responsible for implementing the approved plan to ensure control of ozone precursors (NOx and ROG), SOx, CO, and other toxic air contaminate emissions.

81. MM 3.3-1a BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements, the project applicant shall submit for review and approval a pre-construction survey report. The pre-construction survey shall be prepared in consultation with a qualified biologist to summarize additional pre-construction focused plant surveys conducted in April and July and confirm the presence or absence of special status plants during the blooming period to reduce the potential loss of these species. These species are listed in Table 3.3-3, Additional Pre-Construction Focused Plant Surveys. If no individuals are observed, no further action is required. If individuals are found a report shall be prepared detailing the species potentially affected by the proposed project and the appropriate mitigation measures to reduce the loss of individuals, including siting development to minimize disturbance or removal of special status plant species. Informal consultation with CDFW/USFWS may be required. If Monterey spineflowers are found, informal consultation with USFWS shall be required. Mitigation may include but not be limited to avoidance of populations, restoration, maintenance, and enhancement and obtaining an Incidental Take Permit from the USFWS and notification with the CDFW. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

In April and July, prior to issuance of grading / building permit, the Owner/Applicant shall contract with a qualified biologist to conduct a pre-construction survey in April and July to determine the presence of special status-plant species. The focused plant survey shall be subject to review and approval by RMA-Planning.

Prior to issuance of grading / building permit, the Owner/Applicant shall submit a biological report from a qualified biologist that identifies the species potentially affected and appropriate mitigation measures to reduce loss of special status plants to RMA - Planning for review and verification of compliance with MM 3.3-1a.

If Monterey spineflower is found on the project site, the Owner/Applicant shall consult with the CDFW/USFWS and obtain appropriate permits as needed.

82. MM 3.3-1b BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Damage to Monterey Manzanita (*Arctostaphylos montereyensis*) shall be avoided or replaced during construction. If the approximate locations of the home sites change within Lots #2 and #13, the project applicant shall hire a qualified biologist to cultivate stock of Monterey Manzanita plants from existing plants located within these lots. The individual Monterey Manzanita plants removed from within Lots #2 and #13 shall be replaced at a 3:1 ratio within undeveloped areas of Lots #2 and #13 using stock collected by qualified biologist. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the final maps containing Lots #2 and #13 and in the CC&Rs.

Prior to issuance of grading and/or building permit for Lots #2 and #13, the Owner/Applicant for Lots #2 and #13 shall contract with a qualified biologist to prepare a plan that demonstrates how avoidance and/or replacement of Monterey Manzanita will occur during grading and construction of the project. The plan shall be submitted to RMA-Planning for review and approval.

If locations of home sites within Lots #2 and #13 change, the applicant shall contract with a qualified biologist to remove and preserve stock of Monterey Manzanita plants located within the area of disturbance and the preserved Monterey Manzanita plants shall be replaced at a 3:1 ratio within undeveloped areas of Lots #2 and #13.

83. MM 3.3-2a BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building permit, Monterey County Planning Department shall require that the project applicant submit for review and approval a comprehensive landscape plan prepared in consultation with a qualified botanist. The plant list shall exclude any invasive and non-native plants and emphasize the use of native species requiring minimal irrigation, herbicides, pesticides, or fertilizers and are drought-tolerant native species from local sources. Drought-tolerant non-native species may be used if they are known to be non-invasive. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permit, the Owner/Applicant shall submit a landscape design plan prepared by a qualified botanist that complies with the requirements of MM 3.3-2a to RMA-Planning for review and approval.

84. MM 3.3-2b BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to final inspection of grading permit for subdivision improvements, Monterey County Planning Department shall require that the project applicant control the introduction of non-native, invasive plants through rapid re-vegetation of denuded areas with plants and seed harvested from areas proposed for development or other appropriate seed mixes. The seed mix selected shall contain native species of local genetic stock. If non-native species are within the mix, the species will be known not to be invasive or persistent. The seed mix shall contain species known to compete well against non-native, invasive species. In areas of re-vegetation, non-landscaped disruption and adjacent to landscaping, the project applicant shall have a botanist or resource ecologist annually monitor for non-native species and invasive plant species, especially French broom, for a period of three years and provide an annual written status report to Monterey County Planning Department. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of grading permit for subdivision improvements, the Owner/Applicant shall submit a grading plan to the RMA- Planning Department that details the re-vegetation plan for denuded areas.

Prior to final inspection of the grading permit, the Owner/Applicant shall contract with a qualified botanist or resource ecologist to submit to RMA-Planning annual reports for three years, to monitor and inspect surrounding landscaped areas adjacent to re-vegetated areas to ensure no non-native and invasive plant species are growing.

Annually for three years following re-vegetation, the Owner/Applicant shall submit reports prepared by a qualified botanist or resource ecologist demonstrating that no non-native and invasive plant species are growing in the areas of re-vegetation, non-landscaped disruption and adjacent landscaping.

85. MM 3.3-2c BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Monterey County Planning Department shall require that the project applicant consult with a qualified botanist to develop CC&Rs that describes the native flora and fauna and provides guidelines for homeowners to follow which limit disturbance of native habitat. Said CC&Rs shall be recorded with the final map, for each parcel created by the final map.(RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a draft subdivision map that notes conditions, covenants and restrictions (CC&Rs) prepared in consultation with a qualified botanist, describing the native flora and fauna and provides guidelines for homeowners to follow to limit disturbance of native habitat.

86. MM 3.3-2d BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, whichever comes first, Monterey County Planning Department shall require that the project applicant designs the proposed development on the project site so that homesites, landscaped areas and outbuildings are located a minimum of 75 feet to 100 feet from the active drainage channels to avoid filling or disturbing natural drainage courses. In the event that disturbances cannot be avoided (culverts, storm drain outfalls, etc.), the necessary permits from the California Department of Fish and Wildlife (CDFW) through section 1600 of the Fish and Game Code and/or the U.S. Army Corps of Engineers through Section 404 of the Clean Water Act may be required. Necessary permits and/or authorizations should be obtained from appropriate regulatory agencies prior to any activity that might encroach on drainage channels. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to recording each final map, the Owner/Applicant shall submit a draft subdivision map that identifies all active drainage channels to Monterey County RMA - Planning for review and approval.

Prior to issuance of building or grading permits, whichever occurs first, the Owner/Applicant shall consult with and obtain necessary permits from CDFW and the U.S. Army Corps of Engineers for those lots that propose development within 100 feet of active drainage channels.

87. MM 3.3-3a BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to the issuance of grading and/or building permits, the project applicant shall submit for review and approval Final Forest Management Plan, prepared by a qualified forest manager, that minimizes the removal of Coast live oak (*Quercus agrifolia*) trees in accordance with the recommendations in Section 21083.4 of the Public Resources Code and the Forest Management Plan that was prepared for the proposed project by Staub Forestry and Environmental Consulting in June 2001. A qualified arborist or professional forester shall identify where trees can be retained and establish conservation easements, trees that need pruning, areas that require keyed fills, etc. All recommended pruning shall be performed by a qualified arborist or other tree professional and occur prior to commencement of grading. The Final Forest Management Plan shall be subject to review and approval by the Monterey County Planning Department prior to issuance of grading permits. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of a building or grading permit, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a Final Forest Management Plan that has been prepared by a qualified forest manager and complies with MM 3.3-3a, MM 3.3-3b, Section 21083.4 of the Public Resources Code, and the Forest Management Plan prepared in June 2001.

88. MM 3.3-3b BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure MM 3.3-3a. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the Monterey County Zoning Ordinance and Section 21083.4 of the Public Resources Code. Tree replacement on residential lots shall occur as space permits and may not exceed more than one tree per 10 foot by 10 foot block of available space. If a specific lot does not allow for replanting of trees, the project applicant shall have a qualified forester identify an alternate location for replanting on the project site. Tree replacement for infrastructure tree removals shall be placed within any scenic easements and/or the portion of the "Remainder Parcel" that would be dedicated to the Monterey County Parks Department as an extension of the adjacent Toro Park. All trees shall be replaced with Coast live oak (*Quercus agrifolia*) trees obtained from onsite sources or should be grown from local native seed stock in sizes not greater than five gallons, with one gallon or smaller being preferred to increase chances of successful adaptation to the project conditions. Replacement trees shall be monitored and maintained for a minimum of seven years after planting. The monitoring plan shall be prepared by a qualified professional forester, arborist, or horticulturalist, and shall be subject to review and approval by the County of Monterey Planning Department.

In addition, the owner/applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. The owner/applicant shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The amount of the contribution to the Oak Woodlands Conservation Fund shall be determined according to the procedures set forth in the Oak Woodland Impact Decision Matrix-2008 prepared by the UC Integrated Hardwood Range Management Program. (RMA-Planning)

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

This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a Final Forest Management Plan that has been prepared by a qualified forest manager that identifies and mitigates for oak tree removal in accordance with Section 21.64.260 of the Monterey County Zoning Ordinance and Section 21083.4 of the Public Resources Code.

Prior to the issuance of grading or building permits, the Owner/Applicant shall contribute funds to the Oak Woodlands Conservation Fund and shall submit evidence of the contribution to the Director of RMA - Planning for review and approval.

Prior to final inspection of grading and building permits, areas of tree replacement for infrastructure tree removals shall be placed in a conservation and scenic easement granted to the County of Monterey and accepted by the Board of Supervisors. Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to RMA - Planning for review and approval.

On an annual basis for a period of seven (7) years following replanting, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval an annual report prepared by a qualified professional forester, arborist, or horticulturalist demonstrating that the replanted trees are in a healthy, growing condition.

89. MM 3.3-3c BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall prepare for review and approval Covenants, Conditions, and Restrictions (CC&Rs) in consultation with a qualified professional forester, that shall include oak tree protection measures as outlined in the Forest Management Plan (Staub Forestry and Environmental Consulting 2001) on individual lots as part of future home construction to minimize the damage to oak trees and ensure successful replanting. These measures shall include, but not be limited to the following:

- Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary;
- No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above;
- No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional;
- Roots exposed by excavation during construction shall be pruned promptly to promote callusing, closure, and regrowth; and
- All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel.

Said CC&Rs shall be recorded with the final map, for each parcel created by the final map.(RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall submit to the Director of RMA - Planning for review and approval a draft subdivision map noting conditions, covenants and restrictions (CC&Rs), prepared in consultation with a qualified professional forester, that incorporate oak tree protection measures the Forest Management Plan (2001) for individual lots as outlined to minimize the damage to oak trees and ensure successful replanting.

90. MM 3.3-4 BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on the project site, the project applicant shall prepare in consultation with a qualified biologist a pre-construction survey for special-status bat species within the project site to comply with the California Fish and Game (CDFG) Code relative to special status bat maternity roosts. Prior to tree removal in the coast live oak woodland, a qualified biologist shall survey the trees to evaluate their potential use by special-status bat species. If special-status bat species are determined to be using these trees, or trees in the immediate vicinity, the biologist shall provide recommendations to avoid harming individual bats or disturbance of active roosts. If the biologist recommends active removal of bats, a Memorandum of Understanding (MOU) with the California Department of Fish and Wildlife (CDFW) shall be obtained. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFW that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that documents mitigation for loss of bat roosting habitat should be prepared by a qualified biologist and approved by CDFW prior to tree removal. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to tree removal or issuance of grading or building permits, the Owner/Applicant shall contract with a qualified biologist to conduct pre-construction surveys for special status bat species. The pre-construction survey shall verify the presence or absence of special status bat species, as required by CDFW, and be submitted to RMA-Planning for review and verification of compliance with MM 3.3-4.

Prior to tree removal, if special status bat species are found in the vicinity of the project a qualified biologist shall provide recommendations to avoid harming or disturbing individual or roosting bats. Obtain an MOU from CDFW, if special status bat species are found and active removal of bats is necessary, the applicant shall submit to CDFW for review and approval an implementation and relocation plan and a mitigation and monitoring plan prepared by a qualified biologist.

91. MM 3.3-5 BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: No more than 30 days prior to grading or construction in oak woodland habitat, the project applicant shall contract with a qualified biologist to complete a pre-construction survey for the Monterey dusky-footed woodrat for review and approval by the Monterey County Resource Management Agency – Director of Planning. If individuals of these species are observed, a salvage and relocation program shall be prepared in coordination with CDFW to prevent death or injury to individuals of these species during grading or construction operations. The salvage program shall include measures to remove individuals from the project site prior to and during project grading and construction, and to relocate them to a suitable location within the project site. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

The Owner/Applicant shall contract with a qualified biologist to conduct pre-construction surveys for the Monterey dusky-footed woodrat no more than 30 days prior to grading or construction in oak woodland. Project applicant shall submit pre-construction survey to RMA-Planning for review and verification of compliance with MM 3.3-5 and CDFG code.

Prior to grading and construction if individuals are observed, the Owner/Applicant shall submit a salvage and a relocation program prepared by a qualified biologist, in coordination with CDFW, that includes measures to remove and relocate individuals from the project site as well as to prevent death or injury to individuals of the species during grading or construction operations.

92. MM 3.3-6 BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Surveys shall be conducted no more than 30 days prior to ground disturbance during the nesting seasons for local avian species (typically February 1st through August 31st). The Monterey County Planning Department shall require that the project applicant retain a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of the construction area. If active nests are located during preconstruction surveys, USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the non-breeding season (between August 1st and November 1st). (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

No more than 30 days prior to ground disturbance and construction during the nesting season of local avian species (February 1st through August 31st), the Owner/Applicant shall submit a pre-construction survey for active nests of raptors and migratory birds species that has been prepared by a qualified biologist no more than 30 days prior to ground disturbance during the nesting season of local avian species (typically February 1st through August 31st) to the Director of RMA - Planning for review and verification of compliance with MM 3.3-6.

If nests are determined present, the biologist shall notify CDFW/USFWS (as appropriate) of the status of the nests and agency recommendations regarding nest avoidance measures implemented.

During the nesting season if nests are present, the Contractor shall restrict construction activities to avoid disturbance of nest until it is abandoned or until the biologist deems potential disturbance to be minimal.

93. MM 3.4-1 CULTURAL AND HISTORIC RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are discovered during grading or construction, the following steps shall be taken immediately upon discovery:

- a) There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains until:
- b) The coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required, and
- c) If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinian, Costanoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or
 - Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
 - The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation with 24 hours after being notified by the commission.
 - The descendent identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measure acceptable to the landowner.

(RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Upon discovery of archaeological resources or human remains, the Contractor shall stop work immediately and contact RMA-Planning and a qualified archaeologist, if human remains are discovered the county coroner shall also be contacted. The planner and archaeologist shall conduct a site visit to determine the extent of the resources and develop proper mitigation measures required for the discovery.

94. MM 3.5-1 GEOLOGY AND SOILS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building permit(s), the Monterey County Building Services Department shall require that the project applicant consult with a qualified engineer to prepare design level geotechnical reports in accordance with the current edition of the California Building Code and the recommendations contained within the Geologic and Geotechnical Feasibility Study prepared by D&M Consulting Engineers in August 2001. Said reports shall be submitted for plan check with any improvement plans including earthwork, water tank construction/installation, or foundation construction. The Geological and Geotechnical Feasibility Study provides specific recommendations regarding site preparation and construction of foundations, retaining walls, utilities, sidewalks, roadways, subsurface drainage, and landscaping features based on the lot characteristics and proximity to the fault at the project site. In addition, Geological and Geotechnical Feasibility Study provides specific recommendations regarding slope stability and energy dissipation measures, the recommended location of homesites on Lots #8, #9, #11, and Lots #13 through #16, and reconstruction of the steep slope near Lots #8 and #9. All slope stability and energy dissipation measures shall be incorporated into the site grading plans and constructed concurrent with grading activities.

During the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the Geological and Geotechnical Feasibility Study. Prior to final inspection, the project applicant shall provide certification from a qualified professional that all development has been constructed in accordance with all applicable geologic and geotechnical reports. (RMA-Building Services)

Compliance or Monitoring Action to be Performed:	<p>This mitigation measure shall be included as a note on the final maps that contain Lots #8, 9, 11, 13, 14, 15, and 16 and in the CC&Rs.</p> <p>Prior to issuance of construction permits for earthwork, water tank construction/installation, or foundation construction, the Owner/Applicant shall submit to RMA-Building Services a design level geotechnical report that has been prepared by a qualified engineer and meets the requirements of MM 3.5-1, the California Building Code, and the Geological and Geotechnical Feasibility Study (2001).</p> <p>Prior to the issuance of construction permits for Lots #8, 9, 11, 13, 14, 15, and 16, the Owner/Applicant shall submit to RMA-Building Services a design level geotechnical report that has been prepared by a qualified engineer and meets the requirements of MM 3.5-1, the California Building Code, and the specific recommendations for these lots regarding slope stability and energy dissipation measures outlined in the Geological and Geotechnical Feasibility Study (2001).</p> <p>Prior to final inspection, the Owner/Applicant/Contractor shall submit to RMA-Building Services certification from a qualified engineer verifying all development on the project site has been constructed in accordance with applicable geologic and geotechnical reports.</p> <p>On an on-going basis during grading and construction activities, the Owner/Applicant/Contractor shall contract with a qualified engineering geologist to be onsite during all grading activities in order to provide onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the Geological and Geotechnical Feasibility Study (2001).</p>
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95. MM 3.5-2a GEOLOGY AND SOILS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Monterey County Planning Department shall require that the project applicant design the building envelopes to minimize slope failure on Lot #17 by restricting development of structures on the north facing slope of Lot #17, due to the steep terrain. The homesite and driveway for Lot #17 shall be placed on the south side of the ridge similar to the driveway and building envelope design shown in Figure 3.5-4, Potential Driveway and Building Envelope for Lot #17, of the DEIR and subject to review and approval by the recommending engineering geologist and the County of Monterey. (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the final map that contains Lot #17 and in the CC&Rs.

Prior to issuance of building permit for Lot #17, the Owner/Applicant shall submit a draft site plan for Lot #17 that shows the building envelope and driveway located on the south side of the ridge in order to minimize slope failure. The building envelope shall be developed in consultation with and recommended by a qualified engineering geologist and submitted to the Director of RMA - Planning for review and approval.

96. MM 3.5-2b GEOLOGY AND SOILS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to final subdivision map approval, the Monterey County Planning Department shall require that the project applicant update the Subdivision Map to reflect the revised and approved driveway and building envelope design for Lot #17. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the final map that contains Lot #17, the Owner/Applicant shall submit to RMA-Planning for review and approval a draft subdivision map that identifies the revised and approved driveway and building envelope location on Lot #17.

97. MM 3.5-3 GEOLOGY AND SOILS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of grading and building permits, the project applicant shall contract with a registered engineer to design subsurface drainage system for review and approval by Monterey County Resource Management Agency – Director of Planning and the Director of Public Works where perched groundwater exists on the project site, including but not limited to Lots #2, #8, #9, #10, #11 and Lots #13 through #16. Subsurface drainage system shall be designed and installed in accordance with the recommendation provided in the Geological and Geotechnical Feasibility Study prepared by D&M Consulting Engineers in August 2001. These improvements shall be included in the final improvement plans for the proposed project and installed concurrent with site preparation and grading activities associated with future residential development. Prior to final inspection of grading permits for subdivision improvements, the project applicant shall submit certification prepared by a registered engineer verifying that the improvements were installed according to the findings and recommendations in the Geological and Geotechnical Feasibility Study. (RMA-Planning and RMA-Building Services)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the final map that contains Lots #2, 8, 9, 10, 11, 13, 14, 15, and 16 and in the CC&Rs.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit to RMA-Planning for review and approval improvement plans prepared by a registered engineer that identify a subsurface drainage system designed in accordance with recommendations provided in the Geological and Geotechnical Feasibility Study prepared by D&M Consulting in August 2001.

Prior to final inspection of grading permit for subdivision improvements, the Owner/Applicant/Contractor shall submit to RMA-Building Services certification from a registered engineer verifying improvements were installed according to the Geological and Geotechnical Feasibility Study (2001).

98. MM 3.5-6 GEOLOGY AND SOILS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of grading permit, Monterey County Public Works Department, Planning Department, and Water Resources Agency shall require that the project applicant contract with a registered engineer to prepare an erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediment are minimized during site preparation, construction, and post construction periods. The erosion control plan and SWPPP shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Prevention System and Monterey County Ordinance 16.12.80, Land Clearing. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. The SWPPP shall be consistent with the Central Coast Water Quality Control Board standards. (RMA-Public Works, RMA-Planning and Monterey County WRA)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of a grading permit, the Owner/Applicant shall submit an erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP) that has been prepared by a registered engineer and is consistent with MM 3.5-6, the National Pollution Discharge Prevention System, Monterey County Ordinance 16.12.80, Land Clearing and the standards of the Central Coast Water Quality Control Board. The erosion control plan and SWPPP shall be subject to review and approval by the RMA-Public Works, RMA- Planning, and the Monterey County Water Resource Agency.

99. MM 3.6-2b GROUNDWATER RESOURCES & HYDROLOGY

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Prior to recording the first Final Subdivision Map with Treatment Facility Option B, Monterey County Health Department, Environmental Health Bureau shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. Water system improvement plans shall identify the water treatment facilities and how the water treatment facilities will remove all constituents that exceed current California Primary and Secondary MCLs (e.g. arsenic, coliform, TDS, iron, etc.) from drinking water. These plans shall be subject to review by the Monterey County Health Department, Environmental Health Bureau, and California-American Water Company.

The treatment facility shall be located on the project site in a disturbed area void of environmentally sensitive resources, inside an enclosure. The enclosure shall be designed to complement the surrounding visual character (i.e. rural residential) and shall be subject to the Design Control Zoning District regulations provided in Chapter 21.44 of the County Code. The treatment facility shall be designed and sized to treat water pumped from both the Oaks Well and New Well and accommodate the proposed project and Oaks subdivision only. The project applicant shall be required to pay their fair share towards treatment facility improvements. Facility maintenance and removal of accumulated constituents shall be the responsibility of the facility owner and accomplished in accordance with local, state and federal regulations based on the treatment method chosen. (Monterey County Health Department, Environmental Health Bureau)

Compliance or Monitoring Action to be Performed:	<p>This mitigation measure shall be included as a note on each final map and in the CC&Rs.</p> <p>Prior to recording the first final map, the Owner/Applicant shall contract with a qualified engineer to design and install (construct) water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards as noted in the mitigation measure.</p> <p>In accordance with Condition 25 (EH5), prior to recording the first final map, owner must either construct the water system improvements or enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.</p> <p>Improvements shall include disconnecting the Oaks well (Well B) from Cal-Am's Ambler Park Water Treatment Facility. Water system improvements are subject to review and approval by the water purveyor, the local fire agency and the Environmental Health Bureau as stated in conditions EH3 and EH4.</p> <p>Prior to recording the first final map, the Owner/Applicant shall submit the location for the treatment facility to the Director of Planning, in accordance with the mitigation measure, for review and approval.</p> <p>Prior to the issuance of building permits for the treatment facility, the Owner/Applicant shall apply for and receive approval of a design approval from RMA-Planning for the design of the enclosure, in accordance with the mitigation measure.</p> <p>On an ongoing basis, the treatment facility maintenance and removal of accumulated constituents shall be the responsibility of the facility owner and accomplished in accordance with local, state and federal regulations based on the treatment method chosen.</p>
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100. MM 3.6-2c GROUNDWATER RESOURCES & HYDROLOGY

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Within one month of the County's issuance of the water system permit, the Owner/Applicant shall transfer the operation and monitoring of the water system to the water purveyor (currently California-American Water Company). The water system operator shall monitor the water quality of the Oaks Well and New Well in accordance with Chapters 15.04 and 15.08 of the Monterey County Municipal Code and Section 64480 of Title 22, California Code of Regulations. (Monterey County Health Department, Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Within one month of the County's issuance of the water system permit, the Owner/Applicant shall transfer the operation and monitoring of the water system to the water purveyor and provide proof of the transfer to the Director Environmental Health.

On a continuous basis for the life of the project, the water purveyor shall quality of the wells in accordance with MM 3.6-2c.

101. MM 3.7-2 HYDROLOGY & WATER QUALITY

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: Prior to recording the Final Subdivision Map, Monterey County Planning Department and Monterey County Water Resources Agency shall require that the project applicant contract with a registered civil engineer to prepare a final drainage plan. The drainage control plan shall include detention ponds to limit storm water runoff generated by the development of impervious surfaces. The detention ponds shall be designed to detain the difference between the 100-year post-development runoff rate and the 10-year pre-development runoff rate in accordance with Section 16.16.040.B.5 of the Monterey County Code and Monterey County Water Resource Agency (MCWRA). All of the detention basins shall be fenced for public safety.

In addition, the drainage plan shall incorporate mitigation measures as recommended in the Geological and Geotechnical Feasibility Study prepared by D&M Consulting Engineers including, but not limited to: installing lined ditches above and below any engineered slopes, and above existing erosion gullies; use of vegetative matting and hydroseeding on slopes; installation of erosion-control landscaping; reduction of ponding water; grading of land that prevents surface water flow over the tops of slopes; construction of berms at the top of slopes; installation of concrete v-ditches; and control of irrigation on slopes. The final drainage plan shall be submitted for review and approval by the Public Works Department and Monterey County Water Resources Agency prior to the recording the Final Subdivision Map. (RMA-Public Works Department and Monterey County WRA)

Compliance or Monitoring Action to be Performed: Prior to recording each final map, the Owner/Applicant shall submit to the RMA-Public Works Department and the Monterey County Water Resource Agency, for review and approval, a final drainage plan prepared by a qualified civil engineer that adheres to the requirements outlined by MM 3.7-2.

102. MM 3.7-3 HYDROLOGY & WATER QUALITY

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: In order to prevent the potential contamination of downstream waters from urban pollutants, Monterey County Planning Department, Public Works Department and Water Resources Agency shall require that the storm drainage system design, required under mitigation measure MM 3.7-2, includes a Storm Water Pollution Prevention Plan (SWPPP) and Low Impact Development (LID) design techniques. Such techniques include but are not limited to the following components: grease/oil separators (where required by Public Works); sediment separation; vegetative filtering to open drainage conveyances and retention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other LID design and pollution control techniques. Said provisions shall be incorporated into the storm drain system plans submitted to the county prior to issuance of building or grading permits, whichever occurs first. A report shall be submitted prior to final inspection verifying that installation of the system occurred pursuant to said drainage system plan. In the event that the drainage system was not installed according to recommendations of plan, measures shall be recommended by a qualified drainage engineer or equal professional recommendations to ensure that the final installed system meets the recommendations of the approved drainage plan. All plans shall meet current Public Works and Building Department standards. (RMA-Planning, RMA-Public Works, and Monterey County WRA)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building or grading permit, whichever comes first, the Owner/Applicant shall submit to the RMA-Planning, RMA-Public Works, and the Monterey County Water Resource Agency storm drainage plans prepared by a qualified civil engineer that meets the requirements outlined by MM 3.7-3.

Prior to final inspection of drainage system, the Owner/Applicant/Contractor shall submit to the RMA-Planning Department, RMA-Public Works Department, and the Monterey County Water Resource Agency a report prepared by a qualified drainage engineer verifying installation of the drainage system in accordance with MM 3.7-3.

103. MM 3.9-4 PUBLIC SERVICES & UTILITIES

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Prior to filing of the Final Subdivision Map, Monterey County Bureau of Environmental Health shall require that the project applicant prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to approval by California Utility Service, Monterey Bay Unified Air Pollution Control District, and the County of Monterey. Upon review of the design, the project applicant shall be required to enter into a wastewater main extension agreement with California Utility Service.

In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the CUS facility exceeds its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board. (Monterey County Health Department, Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to recording the each final map, the Owner/Applicant shall submit to the Monterey County Health Department, Environmental Health Bureau, the California Utility Service, and the Monterey Bay Unified Air Pollution Control District wastewater collection improvement plans prepared by a registered engineer that meet the requirements of the California Utility Service, the Monterey Bay Unified Air Pollution Control District, and the County of Monterey.

Prior to recording the first final map, the Owner/Applicant and California Utility Service shall enter into a wastewater main extension agreement.

Prior to the issuance of building permits, the Owner/Applicant shall submit to the Monterey County Health Department, Environmental Health Bureau, for review and approval, proof the existing wastewater treatment plant is meeting current effluent limitations and will not exceed its existing capacity.

104. MM 3.10-1 TRANSPORTATION AND CIRCULATION

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits within the subdivision, the project applicant(s) shall contribute their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time, as required under mitigation measure MM 3.10-6. (RMA Planning, RMA Public Works, and Transportation Agency of Monterey County).

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permits, the Project applicant shall submit to the RMA Planning, RMA Public Works, and the Transportation Agency of Monterey County proof of compliance with MM 3.10-1.

105. MM 3.10-3 TRANSPORTATION AND CIRCULATION

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of final improvement plans, the project applicant shall contract with a registered engineer to design roadway improvements to widen and resurface Meyer Road per the County of Monterey standards for a cul de sac private road (e.g. 18-foot wide roadbed). The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to approval of Final Improvement Plans, the Project Applicant / Registered Engineer shall submit to the RMA Public Works Department a roadway improvement plan prepared by a registered engineer that meets the requirements outlined by MM 3.10-3.

106. MM 3.10-4a TRANSPORTATION AND CIRCULATION

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of final improvement plans, the Monterey County Public Works Department shall require that the project applicant contract with a registered engineer to prepare a sight distance improvement plan at the Meyer Road/San Benancio Road intersection. The improvement plan shall include but not be limited to the following: trimming the vegetation and grading the embankment in the vicinity of the intersection and installing right turn tapers into and out of Meyer Road. The design of all intersection improvements shall be subject to review and approval by the County of Monterey Public Works Department. All improvements shall be completed prior to occupancy of any residential units. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the first final map and in the CC&Rs.

1. Prior to approval of final improvement plans for the first phase, the Project Applicant/Registered Engineer shall contract with a registered engineer to design roadway intersection improvements and sight distance improvement plans for the Meyer Road/San Benancio Road Intersection in accordance with the requirements outlined by MM 3.10-4a. Plans shall be submitted to the RMA Public Works Department for review, approval, and verification of compliance of MM 3.10-4a.

2. Prior to issuance of occupancy permit, Contractor shall complete roadway improvements prior to occupancy of any residential units.

107. MM 3.10-4b TRANSPORTATION AND CIRCULATION

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to approval of the first Final Map, the Monterey County Public Works Department shall require that the project applicant shall design and construct a southbound San Benancio Road left turn lane at the Meyer Road/San Benancio Road intersection in accordance with the Monterey County Public Works Department standards and guidelines. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on the first final map and in the CC&Rs.

Prior to approval of the first Final Map, the Project Applicant/Registered Engineer shall contract with a registered engineer to design and plan roadway improvement design and construction plans for the southbound San Benancio Road left turn lane at the Meyer Road/San Benancio intersection. Plans shall be submitted to the RMA Public Works Department for review, approval and verification of compliance with MM 3.10-4b. Prior to approval of the first Final Map, Project Applicant shall construct the improvements or enter into a Subdivision Improvement Agreement with financial security to construct the improvements prior to issuance of a grading permit for road improvements.

108. MM 3.10-6 TRANSPORTATION AND CIRCULATION

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The Monterey County Resource Management Agency shall require the project applicant to pay the project's fair share of traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees may include, but are not necessarily limited to, the TAMC Regional Development Impact Fee (RDIF) and Monterey County ad hoc mitigation fees. Payment of the TAMC RDIF may be done as part of compliance with mitigation measure MM 3.10-1. (RMA Public Works)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to issuance of building permit, the Project applicant shall submit to the RMA Planning Department proof of payment of any traffic impact fees.

109. MM 3.11-3 NOISE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: During the course of construction, Monterey County Planning Department shall require that the project applicant adhere to Monterey County's requirements for construction activities with respect to hours of operation, muffling of internal combustion engines, and other factors which affect construction noise generation and its effects on noise-sensitive land uses. This would include implementing the following measures:

- Limit noise-generating construction operations to between the least noise-sensitive periods of the day (e.g., 7:00 A.M. to 7:00 P.M.) Monday through Saturday; no construction operations on Sundays or holidays;
 - Locate construction equipment and equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses;
 - Ensure that construction equipment is properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds should be closed during equipment operation;
 - When not in use, motorized construction equipment should not be left idling; and
 - Install temporary noise barriers when activities would affect daytime noise-sensitive receptors (e.g., residential uses, schools, and churches).
- (RMA-Planning)

Compliance or Monitoring Action to be Performed: This mitigation measure shall be included as a note on each final map and in the CC&Rs.

Prior to the issuance of building or grading permits, the Owner/Applicant shall submit improvement plans that note requirements of MM 3.11-3. Contractor shall implement the noise generation reduction measures outlined by MM 3.11-3.

On an on-going basis during construction, the Owner/Applicant/Contractor shall submit to RMA-Planning, for review and approval, monthly reports during construction demonstrating compliance with the noise generation reduction measures outlined by MM 3.11-3.

110. MM 3.3-8a - BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Consistent with mitigation measure Mitigation Measure (MM) 3.3-2d, the project applicant shall design the proposed development on the project site so that homesites, landscaped areas, and outbuildings are located a minimum of 75 to 100 feet from the top of bank of active drainage channels and to remove or relocate development away from the riparian corridor to allow sufficient wildlife movement and access and preserve other biological resources and habitat. Additionally, no new development or improvements, including fencing, shall occur within 200 feet of the riparian edge. The project applicant shall contract with a qualified biologist to delineate the riparian habitat boundaries. This mitigation measure shall be placed as a note on each final map and in the CC&Rs. Riparian habitat boundaries and drainage channels and associated buffer areas where development is prohibited shall be depicted on each final map and submitted to Monterey County Housing and Community Development for review and approval.

Compliance or Monitoring Action to be Performed: Prior to recordation of each final map, the Owner/Applicant shall provide a report and maps prepared by a qualified biologist delineating the riparian habitat boundaries to the Chief of Planning for review and approval.

Prior to recordation of each final map the Owner/Applicant shall place a note on each final map that no landscaping, outbuildings or improvements may be located within 100 feet of the top of the bank of drainage channels or within 200 feet of the edge of riparian habitat.

Prior to the recordation of each final map, the Owner/Applicant shall submit to the Director of Planning for review and approval draft conditions, covenants and restrictions (CC&Rs) for the subdivision that include required setbacks and the prohibition of improvements and structures within 100 feet of the top of the bank of drainage channels or within 200 feet of the edge of riparian habitat.

111. MM 3.3-b - BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of the final map, CC&Rs shall be established for the subdivision to limit the use and installation of solid barrier fencing beyond future building envelopes and yard areas. Fencing will be designed to allow for wildlife movement but still contain cattle and allow for continued grazing on open space lands, as applicable.

Compliance or Monitoring Action to be Performed: Prior to recordation of each final map, the Owner/Applicant shall place this condition as a note on each final map and shall submit to the Chief of Planning for review and approval a draft conditions, covenants, and restrictions that include standards and limitations on fencing within the subdivision.

112. MM 3.3-8c - BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of the final map, the Monterey County Housing and Community Development shall require the project applicant to dedicate the 154 acres of the 180-acre remainder parcel to the County in accordance with Monterey County Code Section 19.12.010(E)(1).

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, the Owner/Applicant shall submit to the Monterey County Public Works Facilities Parks for review and approval the necessary documentation to facilitate the land donation, including a plan for fencing improvements to be made on the dedicated parcel. The land shall be donated prior to recording the first final map.

113. MM 3.3-8d - BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Road lighting will be restricted to that necessary to illuminate the road surface and will not be directed into open space areas. This mitigation measure shall be placed as a note on each final map and in the CC&Rs. Proposed lighting will be submitted to Monterey County Housing and Community Development for review and approval prior to installation.

Compliance or Monitoring Action to be Performed: Prior to recordation of each final map, a note shall be added to each final map that road lighting will be restricted to that necessary to illuminate the road surface and will not be directed into open space areas.

Prior to recordation of the first final map, the Owner/Applicant shall submit draft conditions, covenants and restrictions (CC&Rs) applicable to the subdivision.

Prior to the installation of road/street lights, the Owner/Applicant shall submit proposed lighting fixtures to the Chief of Planning for review and approval.

114. MM 3.3-8e - BIOLOGICAL RESOURCES

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Any culverts or bridges over drainages will be designed with sufficient capacity to allow for small animal (generally a few inches high and up to 16 inches long) passage (generally a cross-sectional area of 2 to 4 feet for the structure entrance is recommended for small mammals).

Compliance or Monitoring Action to be Performed: Prior to recordation of each final map, this mitigation measure shall be placed as a note on each final map and in the CC&Rs.

Prior to grading or subdivision improvements, the design of proposed culverts or bridges over drainages shall be submitted to Monterey County Housing and Community Development for review and approval.

115. MM 3.3-8f - BIOLOGICAL RESOURCES

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

In order to remove obstacles that would impair movement of wildlife, keep the landscape as permeable as feasible to facilitate wildlife movement, and preserve wildlife corridors between Toro County Park and the Fort Ord National Monument, the owner/applicant shall submit a Wildlife Corridor Plan (WCP) for all the lots on the vesting tentative map. The WCP shall be prepared in consultation with a qualified biologist with expertise in wildlife connective planning and is subject to approval by Monterey County Housing and Community Development. The WCP shall be depicted on the final map with areas dedicated to wildlife movement dedicated as open space and shall identify measures to ensure effective wildlife movement that apply to subdivision improvements to be implemented through subdivision improvement plans and measures that would be made enforceable restrictions or conditions of development of individual lots within the subdivision. Measures shall include, but are not limited to, the following:

- The wildlife corridor expert shall review the findings of the camera trap study prepared by Denise Duffy and Associates, Inc. for this project as well as other relevant information and studies on wildlife movement in the area and shall identify corridors of adequate width (i.e., minimum 328 feet or 100 meters) that connect Toro County Park to the east with former Fort Ord/Fort Ord National Monument to the west through the project site. Corridors may include, but are not limited to, the established buffer areas along drainage channels and riparian habitat, dirt trails and paths, or other movement corridors identified by the wildlife corridor expert. Corridors identified shall be depicted on the final map and no development shall be permitted within these corridors. If the corridors are bisected by roads or other subdivision improvements, the applicant/owner shall identify how these improvements will not impede wildlife movement or provide for adequate under- or overcrossings where appropriate. If the corridors render any of the sites undevelopable, the applicant shall eliminate or move lots within the subdivision that conflict with the identified corridor.

- Best Management Practices have been developed for wildlife corridors (Beier et al. 2008) and should be considered for inclusion in the WCP, made a note on the final map, and included as enforcement covenants or restrictions on development of lots:

- o Fencing: limit fencing height (how tall as well as ground clearance), ensure adequate opening in fencing (e.g., post and rail), identify fence types, and identify areas where no fencing will be allowed (e.g., areas adjacent to natural drainage courses). The WCP may allow limited solid fencing in the developed areas within the building envelopes, which are required to be designated in accordance with adopted Mitigation Measure 3.1-2b. Fencing specifications shall follow recommendations from "A Landowner's Guide to Wildlife Friendly Fences: How to Build a Fence with Wildlife in Mind"

- o Lighting: incorporate wildlife friendly lighting and identify placement of lighting that minimizes impacts to wildlife. Minimize impacts of outdoor night lighting by regulating brightness, shielding, light direction, location, etc.

- o To minimize impacts to the movement of mountain lions and other wildlife species during construction, no night work shall occur during construction.

- o Prohibit intentional planting of invasive plants.

- o Provide crossing structures on all thoroughfares and maintain them for access.

- o Maintain or improve native riparian vegetation.

- o Encourage small building footprints on large parcels with a minimal road network.

- o Combine habitat conservation with compatible public goals such as recreation and protection of water quality.

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

Condition Text extended:

- o Develop a public education campaign to inform those living and working within the linkage area about living with wildlife, and the importance of maintaining ecological connectivity; encourage keeping pets indoors/accepting depredation on domestic animals as part of rural lifestyle.
- o Discourage residents and visitors from feeding or providing water for wild mammals, or otherwise allowing wildlife to lose their fear of people.
- o Install wildlife-proof trash and recycling receptacles and encourage people to store their garbage securely.
- o Do not install artificial night lighting on rural roads that pass through the linkage design. Reduce vehicle traffic speeds in sensitive locations by speed bumps, curves, artificial constrictions, and other traffic calming devices.
- o Encourage the use of wildlife-friendly fencing on property and pasture boundaries, and wildlife-proof fencing around gardens and other potential wildlife attractants.
- o Discourage the killing of "threat" species such as rattlesnakes.
- o Reduce or restrict the use of pesticides, insecticides, herbicides, and rodenticides, and educate the public about the effects these chemicals have throughout the ecosystem.
- o Encourage keeping pets indoors/accepting depredation on domestic animals as part of rural lifestyle.
- o Signage will be installed at trailheads and posted within any community open space within the residential development identifying that the area is located in mountain lion habitat. Additional information from CDFW's Keep Me Wild Mountain Lion brochure may be included on the sign : <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=57523&inline>

Action Required:

Prior to recording the first final map, the Owner/Applicant shall submit the WCP to Monterey County Housing and Community Development for review and approval. Recommendations of the WCP shall be incorporated in the subdivision improvements plans and made enforceable conditions of development for individual lots in the subdivision. Areas dedicated to wildlife movement shall be depicted as open space on each final map.

Prior to recordation of each final map, measures to ensure effective wildlife movement as recommended in the approved WCP shall be placed as a note on each final map and shall be included in the CC&Rs for the subdivision. Such measures shall include, but are not limited to those measures identified in this mitigation measure.

Ongoing, the conditions and measures shall be implemented in all uses and construction within the subdivision.

116. MM 3.3-8g - BIOLOGICAL RESOURCES (MOUNTAIN LION DENS)

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

Prior to any ground-disturbing activities at the project site, the project applicant shall retain a qualified biologist to conduct pre-construction surveys and implement avoidance and minimization measures for any identified mountain lion dens. Prior to any ground-disturbing activity, regardless of the time of year, a qualified biologist will conduct preconstruction surveys for known or potential mountain lion dens within suitable habitat located within the work area and within 600 meters of the work area. These surveys will be conducted no less than 14 days and no more than 30 days prior to the start of ground-disturbing activities in a work area. Known and potential mountain lion den types will be defined as follows:

- Known den. Any existing natural den or human-made structure that is used or has been used at any time in the past by a mountain lion. Evidence of use may include historical records; past or current radio telemetry or tracking study data; mountain lion sign, such as tracks, scat, and/or prey remains; or other reasonable proof that a given den is being or has been used by a mountain lion.
- Potential den. Any thick vegetation, boulder piles, rocky outcrops, or undercut cliffs within the species' range for which available evidence is insufficient to conclude that it is being used or has been used by a mountain lion. Potential dens will include the following characteristics: (1) refuge from predators (coyotes, golden eagles, other mountain lions) or (2) shielding of the litter from heavy rain and hot sun.

The qualified biologist will use location-specific survey methods to identify known and potential dens. The survey method will consider topography, vegetation density, safety, and other factors. Surveys will be conducted by a qualified biologist (i.e., a biologist with demonstrated experience in mountain lion biology, identification, and survey techniques) and may involve the establishment of camera stations, scent stations, pedestrian surveys (looking for tracks, caches, etc.), or other appropriate methods. Survey methods used will be designed to avoid the disturbance of known or potential dens to the extent feasible. If known or potential mountain lion dens are identified or observed during preconstruction surveys, mountain lion dens will be assumed to have kittens present until the qualified biologist can document that they are not present and/or that the den is not being used. A non-disturbance buffer of at least 600 meters (1,970 feet) will be established around the known or potential den until the qualified biologist can document and confirm that the den is not occupied. If the den is determined to be occupied, the 600-meter non-disturbance buffer will be maintained until the den is confirmed abandoned by the qualified biologist. The 600-meter non-disturbance buffer shall remain in place for two (2) months after the initial survey and a re-survey at that time shall be conducted by the qualified biologist to determine if the female has abandoned the den and relocated the kittens. The County shall consult with CDFW on detection of an active den. Construction may proceed if the qualified biologist determines that a reduced buffer could be implemented because of topography or other factors, or that the den is not being used by mountain lions.

If avoidance is not feasible, an incidental take permit may be required.

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or construction permits and no less than 14 days and no more than 30 days prior to commencement of any grading or construction activities, the Owner/Applicant shall have a qualified biologist (with experience in mountain lion biology, identification, and survey techniques) conduct pre-construction surveys for mountain lion dens within 600 meters of any construction or construction staging activities.

If mountain lion dens are identified, a non-disturbance buffer of at least 600 meters (1,970 feet) will be established around the known or potential den until the qualified biologist can document and confirm that the den is not occupied. If the den is determined to be occupied, the 600-meter non-disturbance buffer will be maintained until the den is confirmed abandoned by the qualified biologist and CDFW has been consulted on the determination.

117. MM 3.3-8h - BIOLOGICAL RESOURCES (BUMBLE BEE)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to ground-disturbing activities at the project site, the project applicant shall retain a qualified biologist will conduct a habitat assessment to determine if the project site and immediate surrounding vicinity contain suitable habitat for the western bumble bee (WBB) and Crotch's bumble bee (CBB). Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs, will be documented as part of the assessment.

If potentially suitable habitat is identified, a qualified biologist will conduct focused surveys for WBB and CBB and their requisite habitat features, following the methodology outlines in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Surveys (2023). If WBB or CBB needs to be captured or handled as part of the survey effort, a 2081(a) Memorandum of Understanding (MOU) will be obtained from CDFW.

If WBB and/or CBB are detected during surveys, all small mammal burrows and thatched/bunch grasses will be avoided during ground-disturbing activities by a minimum buffer of 50 feet to avoid take. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant will consult with CDFW to discuss how to implement project activities and avoid take. If take cannot be avoided, an incidental take permit may be required.

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

Prior to issuance of grading or building permits, the Owner/Applicant shall have a qualified biologist conduct a habitat assessment to determine if the project site and immediate surrounding vicinity contain suitable habitat for the western bumble bee (WBB) and Crotch's bumble bee (CBB).

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a report from the biologists that describes the findings of the survey and, if necessary, identifies appropriate measures to avoid impacts to WBB and CBB.

Ongoing during construction, all avoidance and mitigation measures recommended by the biologist shall be implemented.

118. MM 3.3-8i - BIOLOGICAL RESOURCES (CTS)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The project applicant shall retain a qualified biologist to evaluate potential impacts to California tiger salamander (CTS) the survey season(s) immediately prior to project implementation (i.e., ground-disturbance) following the "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (U.S. Fish and Wildlife, 2003). If through consultation with the CDFW, U.S. Fish and Wildlife Service (USFWS), surveys, or during construction, it is determined that CTS are occupying the project site and take cannot be avoided, the applicant shall obtain an incidental take permit pursuant to the state and federal Endangered Species Acts. In the absence of protocol-level surveys, the applicant can assume presence of CTS within the project site and immediately focus on obtaining an incidental take permit.

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

Prior to issuance of grading or building permits and in the survey season immediately prior to the any ground disturbance, the Owner/Applicant shall have a qualified biologist conduct evaluate potential impacts to CTS.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a report from the biologists that describes the findings of the evaluation and, if necessary, identify appropriate measures to avoid impacts to CTS.

Ongoing during construction, all avoidance and mitigation measures recommended by the biologist or CDFW (if incidental take permitting is required) shall be implemented.