

Attachment B

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**Attachment B
Draft Resolution**

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

Resolution No.

Resolution by the Monterey County Board of Supervisors to:

- 1) Deny the appeal by Highlands Covenants Group challenging the Zoning Administrator's approval of PLN140483 for after-the-fact permits to allow construction of a test well within 750 feet of a known archaeological resource;
- 2) Find the project categorically exempt per Section 15303(d) of the CEQA Guidelines, and that there are no unusual circumstances associated with this project; and
- 3) Approve an after-the-fact Combined Development Permit consisting of a Coastal Administrative Permit to allow construction of a test well and a Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource, to abate code violation (CE020247).

[PLN140483/SPINDRIFT VIEW PARTNERS LLC, 161 B Spindrift Road, Carmel Area Land Use Plan (APN: 241-191-005-000)]

The appeal by Highlands Covenants Group from the Zoning Administrator's approval (Resolution 17-025) of an application by Spindrift View Partners LLC for an after-the-fact Combined Development Permit to abate code violation (CE020247) to allow construction of a test well came on for public hearing before the Monterey County Board of Supervisors on June 13, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY**– The Project, as designed, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) The project includes a Combined Development Permit to clear code enforcement case (CE020247) to allow the construction of a test well with temporary access and staging during construction.
 - b) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
 - *1982 Monterey County General Plan*;
 - Carmel Area Land Use Plan;
 - Monterey County Zoning Ordinance (Title 20);
 - Monterey County Code, Title 15 (Water Wells);
 - Monterey County Coastal Implementation Plan Part 4.No conflicts were found to exist. Communications were received during the course of review of the project indicating inconsistencies

with the text, policies, and regulations in these documents. However, the Board of Supervisors has weighed all evidence in the record and determined in its independent judgment that no inconsistencies exist.

- c) The property is located at 161-B Spindrift Road, Carmel (Assessor's Parcel Number 241-191-005-000), in the Carmel Land Use Plan area. The parcel is zoned "LDR/1-D(CZ)" (Low Density Residential with gross density maximum 1 acre/unit and Design Control Overlay in the Coastal Zone). Pursuant to Section 20.14.040.J of Title 20 (Coastal Implementation Plan) of the Monterey County Code, a small water system that conforms to Chapter 15.04 – Domestic Water Systems of the Monterey County Code is allowed in the LDR zone with a Coastal Administrative Permit (CAP). Therefore, a test well is an allowed land use for this site with the approval of a CAP.
- d) Pursuant to Section 20.146.040 of the Monterey County Coastal Implementation Plan, a biological report was required for the development. Biological reports prepared for the site as follows:
 - 1) "Robert Ching Property, Biological Resource Analysis for Well Site" (LIB160374) prepared 1 September 2016 by Fred Ballerini, Pacific Grove, CA
 - 2) "Robert Ching Property, Biological Resource Analysis" (LIB150295) prepared 4 May 2015 by Fred Ballerini, Pacific Grove, CA
 - 3) "Robert Ching Property, Biological Resource Analysis for Well Site" (LIB150294) prepared 12 August 2014 by Fred Ballerini, Pacific Grove, CA
- e) The proposed test well location is beyond the 100 foot setback from the edge of any coastal wetland, marine habitat, or natural vegetation designated as environmentally sensitive habitat (ESHA). Therefore, a CDP coastal development permit (CST) for development within 100 feet of ESHA is not required.
- f) Wetlands delineation on the parcel used for determining the 100 foot setback can be found in the following survey:
 - "Preliminary Wetlands Assessment, Ching Property – 161B Spindrift Rd." (LIB170123) prepared 1 October 2015 by Zander Associates Environmental Consultants, Berkeley, CA
- g) Pursuant to Section 20.146.090 of the Coastal Implementation Plan, an archaeological report was required for the proposed development within 750 feet of known archaeological resources. A report was prepared for the project by Gary Breschini (LIB150293). Based on recommendations in the report, a standard condition requiring work to stop, and appropriate measures taken if resources are found during construction has been included in the conditions of approval (Condition 3).
- h) The project planner conducted a site inspection 25 July 2014 and verified the project on the subject parcel conforms to the plans as presented.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140483.

2. FINDING

SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Potential impacts to Biological Resources and Archaeological Resources were identified during review of the project. The following reports have been prepared:
 - “Robert Ching Property, Biological Resource Analysis for Well Site” (LIB160374) prepared 1 September 2016 by Fred Ballerini, Pacific Grove, CA
 - “Robert Ching Property, Biological Resource Analysis” (LIB150295) prepared 4 May 2015 by Fred Ballerini, Pacific Grove, CA
 - “Robert Ching Property, Biological Resource Analysis for Well Site” (LIB150294) prepared 12 August 2014 by Fred Ballerini, Pacific Grove, CA
 - Archaeological report prepared by Gary S. Breschini, Ph.D, Archaeological Consulting (LIB150293)
 - “Preliminary Wetland Assessment: Ching Property, Carmel Highlands” prepared 18 May 2017 by Zander Associates, Berkeley, CA
 - “Biological Resource Response Letter” prepared 9 May 2017 by Fred Ballerini, Pacific Grove, CA

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Biological constraints on the lot were identified and mapped and the proposed well is appropriately located away from potentially sensitive habitat.
- d) The well will be constructed in fractured rock subsurface conditions. Testing for water quantity and quality will be required before the well can be used to serve any use or development.
- e) The site is designated for residential use and other residential uses currently exist on neighboring lots.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140483.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and

Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) The site is currently vacant with the exception of a well that was constructed without proper planning entitlements. Wells, septic systems, and a number of residential uses exist within the area.
- c) Excavated materials and water pumped from the well for testing purposes are proposed to be captured and brought to a facility that is permitted to receive such materials (i.e. the landfill in Marina).
- d) The establishment of a test well on the property will not adversely affect persons residing or working in the neighborhood.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140483.

4. **FINDING:** **VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to County zoning uses. The violation existing on this property would be corrected upon approval of this permit and bring the property into compliance.
- EVIDENCE:** a) A test well was constructed on the property without first securing the proper planning permits (CE020247).
- b) This permit would correct the violation and permit the test well within 750 feet of known archaeological resources.
- c) No other violations have been found to exist on the property.
- d) The application plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140483.
5. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:** a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is an area that the Local Coastal Program designates as inappropriate for beach access (Figure 3 in the Carmel Area Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140483.
6. **FINDING:** **CEQA (Exempt):** - This project is categorically exempt from environmental review. The Board of Supervisors has weighed all of the evidence in the record and determined in its independent judgment that the project is within the category of a new, small facility and no unusual circumstances were identified to exist for the project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines §15303(d) categorically exempts water main and other utility extensions, such as a residential water well.
 - b) None of the exceptions under CEQA Guidelines §15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from others in the exempt class. Additionally, as detailed in subsections c-j below, there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment.
 - c) Location: The well is proposed on a vacant piece of land that is zoned for residential use. Development has been sited on the property to be more than 100 feet from mapped wetland and more than 50 feet from an intermittent drainage course and does not have the potential to significantly affect either of these potentially sensitive areas.
 - d) Cumulative Impact: The project includes construction of a test well on a residentially zoned legal lot of record. Test wells are listed as principally permitted uses for the site. Several wells currently exist within the immediate vicinity. Individual construction of wells in the area requires a Coastal Development Permit in each case and each of these types of permits are reviewed based on site-specific factors.
 - e) Significant Effect: The site is vacant and the well is proposed on a flat area of a residentially zoned parcel that is currently covered with non-native vegetation (see also “Location”).
 - f) Scenic Highway: The parcel is located near Highway 1 which is a designated Scenic Highway; however, the test well will not be visible from Highway 1 and does not include any improvements or vegetation removal that would be visible from Highway 1.
 - g) Hazardous Waste Sites: The test well is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. There is no evidence that any form of Hazardous waste exists at the site or in the immediate vicinity.
 - h) Historical Resource: The site is vacant and no significant disturbance to native soils is proposed that could impact archaeological resources. Development is limited to re-opening a well that has already been constructed without a permit at the site and minor vegetation clearance of non-native plants for access and staging of equipment.
 - i) Testimony has been submitted during review of the application indicating that the project may cause environmental impacts. However, based on the substantial evidence in the record, the County has determined that the project will not have a significant environmental impact and a categorical exemption is appropriate for the project (See also the preceding Findings with evidence and Finding 8 below).
 - j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140483.

7. **FINDING: PROCEDURAL BACKGROUND** – The project has been processed in compliance with County regulations.

- EVIDENCE:**
- a) On 4 March 2015, the applicant applied for an after-the-fact Combined Development Permit (PLN140483) to abate code violation (CE020247) to allow construction of a test well.
 - b) The application submittal was deemed complete on 2 April 2015.
 - c) The Carmel Highlands Land Use Advisory Committee (LUAC) reviewed the application materials on 3 August 2015 and recommended approval of the project in a 4 (Ayes) – 0 (Noes) decision.
 - d) Staff requested a continuance from the 27 August 2015 Zoning Administrator agenda in order to have additional time needed to thoroughly analyze the proposed project.
 - e) On 2 November 2016, the applicant submitted additional reports and revised plans that were circulated for Interdepartmental Review. The application was deemed complete 30 November 2016.
 - f) The application was brought to public hearing before the Zoning Administrator on 13 April 2017. At least 10 days prior to the public hearing before the Zoning Administrator, notices were published in the *Monterey County Weekly* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties. The Zoning Administrator approved the project.
 - g) An appeal of the decision by the Zoning Administrator was timely filed on 27 April 2017 by Highlands Covenants Group, represented by attorney Pamela Silkwood. The Board of Supervisors heard the appeal at a duly noticed public hearing on June 13, 2017. The hearing was de novo.
 - h) Staff Report, minutes of the Zoning Administrator hearing, information and documents in Planning file PLN140483; records of the appeal on file with the Clerk of the Board.

8. FINDING:

APPEAL AND APPELLANT CONTENTIONS

The appellant requests that the Board of Supervisors grant the appeal and deny the Combined Development Permit application (PLN140483). The appeal alleges: the findings or decision are not supported by the evidence and the decision was contrary to law. The contentions are contained in the Notice of Appeal (**Attachment C of the 13 June 2017 Board of Supervisors Staff Report**) and summarized below followed by responses to those contentions. The Board of Supervisors finds that there is no substantial evidence to support the appeal and makes the following findings regarding the appellant's contentions:

Contention #1 – Incomplete and Flawed Wetland Delineation.

The appellant contends Evidence 2.f), the “wetland delineation report prepared by Zander and Associates...is incomplete and flawed” because:

- *Coastal Act section 30121 defines “wetland” as “lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.” (Emphasis added).*

Response:

Zander and Associates followed appropriate protocols and requirements including installation of 14 test points on the property all of which were negative for evidence of surface or near surface waters that would indicate a “wetland.” Despite lack of water in the soil, application of the strict definition of wetland in the Coastal zone resulted in areas where the predominant vegetative cover (poison hemlock) qualified a portion of the property as wetland. That area was mapped and the test well location was revised to be more than 100 feet from the mapped wetland area. Dr. Froke’s analysis alludes to the possibility of oversights or omissions from the wetland analysis but contains little documentary evidence to this effect. Specifically, poison hemlock, an aggressive colonizer of wet or dry disturbed sites, is listed as an indicator facultative wetland plant; however, presence of poison hemlock alone does not warrant wetland delineation (Ballerini, May 2017; Froke, April 2017).

Wetland indicators are typically developed over long periods of time and remnants of these indicators would be observed, even during drought conditions. While the history of disturbance on the site has obscured the site’s “normal vegetative signature”, at least some hardy remnant wetland plants (e.g. willows, rushes, sedges) would be expected to recover or at least present a few scattered representatives in the face of surface disturbance.

Evidence submitted by Zander and Associates together with Fred Ballerini (biologists) supports the conclusion that the project will not impact wetlands and the evidence submitted with the appeal contention does not provide substantial evidence or a fair argument that the biologists’ findings are inadequate.

Contention #2: California State ASBS

Appellant states a concern that the parcel drains into the State Area of Special Biological Significance (ASBS).

Response:

There will be no runoff into the Carmel Bay ASBS nor the Point Lobos ASBS as a result of this project. Spoils from the test well will be collected and exported from the site; the test well will not change drainage patterns; and the project is located south of both mapped ASBS.

Contention #3: Septic System in an Area of Inundation Would Result in Waste Discharge to ASBS

The appellant states concern that illegal discharge of waste to the ASBS would result from the septic system placement as currently shown on the plans.

- *Should the septic system as currently shown on the Applicant’s plans be allowed to proceed, there is a real*

concern that illegal discharge of waste would be released to the Carmel Bay ASBS and to ecological reserves.

Response:

The septic system is not a component of this project and its location is strictly conceptual at this time. If a septic system is constructed in the future, it will be separately reviewed and analyzed.

Contention #4 – Failed to Meet Setback from Riparian Habitat/Woodland.

The appellant contends that due to the drainage corridor at the northern boundary of the parcel, “the Subject Property clearly comprises riparian woodlands that require protection. Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils” and that the well does not meet 50 to 150-foot setback requirements:

- *Specific Policy 2.3.4.1 (under the heading Riparian Corridors and Other Terrestrial Wildlife Habitats) of the Carmel Area Land Use Plan and Section 20.146.040.C.2.c of the Carmel Area Coastal Implementation Plan state... Whether natural or man-made, the California Coastal Commission has interpreted drainages with riparian corridors to require protection as ESHA.*

Response:

This waterway corridor along the northern boundary of the subject property originates from a Highway 1 drainage culvert east of the parcel and exhibits no evidence that it functions as a perennial stream. There are no native plant constituents to support a Riparian Woodland vegetation classification (Ballerini, May 2017). Nowhere on the site, including in the seasonal drainage course along the northern boundary, were obligate wetland (or even typical riparian) plant species observed (Zander, May 2017).

Especially noteworthy after experiencing a record rainfall year, there is currently no overland flow within the incised northern drainage corridor. This characteristic clearly classifies this particular corridor as intermittent drainage and therefore, not subject to 150-foot buffer setback. Policy 2.3.4.1 of the *Carmel Area Land Use Plan* states, “Riparian plant communities shall be protected by establishing setbacks consisting of a 150-foot open space buffer zone on each side of the bank of perennial streams and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater.” The setback from the bank of the observed drainage corridor along the northern edge of the subject property is over 60 feet to the proposed well-drilling location consistent with the stated policy of the Carmel Land Use Plan and there is no evidence to support the claim that the site of the well and staging area contains riparian woodland

habitat. In fact, Carmel Ara Map C identifies the area as “Monterey Pine Forest.”

Contention #5 – Species of Special Concern Identified on the Property.

The appellant claims the presence of nesting Yellow Warblers and Coast Range Newts on and near the subject parcel is evidence that sensitive habitats exist on the Subject Property. The appeal points to the following question from Appendix G of the CEQA Guidelines, “Would the project:

- *a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?”*

Response:

Neither the Yellow Warbler nor the Coast Range Newt are specifically identified as a sensitive or special status species in the Carmel Area Land Use Plan or the Coastal Implementation Plan. They are also not designated as rare, endangered, or threatened by the California Fish and Wildlife Services or by U.S. Fish and Wildlife services. They are listed by California Fish and Wildlife as a “species of concern” meaning they should be monitored to determine if listing is warranted.

The yellow warbler is a broadleaf riparian-obligate species requiring riparian forests dominated by cottonwood and sycamore as well as dense willow thicket and generally major riparian corridors. Nesting occurrences of the Yellow Warbler at the subject parcel is highly unlikely because their nesting habitat does not occur on the property, as there are not cottonwood, sycamore, or willow thicket habitats. Observations of this species are likely a result of the species taking a temporary refuge on site during its northern spring migration to another major riparian corridor (Ballerini, 9 May 2017). The absence of riparian-obligate species at the proposed well site, and on the entire parcel, indicates that there would be no substantial adverse effect on Yellow Warbler habitat. In addition, even if they were present, nesting bird habitat is protected under the Migratory Bird Treaty Act. A condition has been applied to this project that requires a pre-construction nesting survey prior to any work that may occur at the site during the nesting season to ensure compliance with the Act (Condition 15).

The Coast Range Newt (*Taricha torosa*) habitat reported along the northern boundary of the parcel, shall be avoided by protection from the construction activities of the project through implementation of the Erosion Control and Grading Restoration Plan (Froke, 11 April 2017; Plan Sheet C1-A, 1 June 2016, rev. 1).

Furthermore, the setback from the bank of the observed drainage corridor along the northern edge of the subject property is over 60 feet to the edge of the proposed well-drilling location.

Based on the evidence in the record, and as conditioned, project related activities are not likely to impact special status species or species of concern.

Contention #6– The Project is Subject to Environmental Review Under CEQA.

The appellant asserts that the approval of this permit violates Title 14 of the California Code of Regulations § 15378(a) because the “whole of the action” is residential development of the property. Further, the appellant claims “there is a reasonable possibility of a significant effect on the environment due to unusual circumstances (14 CCR §15300.2(c)):

- *in particular due to the presence of ESHAs and based on the potential for nitrate and sedimentation loading into the ASBS from activities proposed at the Subject Property. The Violations had clearly caused waste discharges to the ASBS.*

Response:

Section 15303 categorically exempts water main and other small facilities or structures, such as this water well. There is no substantial evidence of any feature or condition of the well that distinguishes it from others in the exempt class. Additionally, the evidence does not support any fair argument of a reasonable possibility of a significant effect on the environment as a result of any unusual circumstances. The purpose of permitting this test well is to determine whether the site has sufficient potable water to support a residential development. It is unknown at this time whether there is such a sufficient water source for residential development, and it is speculative to assume that a residential development will ultimately occur on the site. There is no application for any type of residential development at this location on file with the County, and the County retains discretionary approval authority over any future development at this location.

In summary of responses to aforementioned contentions in the appeal, the proposed well site is beyond the 100 foot buffer from the delineated wetland area; is beyond the 50 foot buffer from the edge of the northern boundary of the intermittent drainage channel; and would not impact protected species habitat.

In perspective, the project includes minor clearance of non-native ground cover for access and staging of equipment and construction of a test well (hole in the ground) in a highly disturbed and flat area of the property.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Deny the appeal by Highlands Covenants Group challenging the Zoning Administrator's approval of PLN140483 for after-the-fact permits to allow construction of a test well within 750 feet of a known archaeological resource, to abate code violation (CE20247); and
- b. Find that construction of a test well is exempt per Section 15303(d) of the CEQA Guidelines, and there are no unusual circumstances applicable to this project; and
- c. Approve an after-the-fact Combined Development Permit consisting of a Coastal Administrative Permit to allow construction of a test well and a Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource, to abate code violation (CE020247), subject to the conditions of approval attached hereto as Exhibit 1 and the site plan attached hereto as Exhibit 2, both being incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this 13th day of June 2017, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, 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:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

Monterey County RMA Planning

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

PLN140483

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN140483) allows an after-the-fact Combined Development Permit to abate code violation (CE020247) consisting of a Coastal Administrative Permit to allow construction of a test well and a Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource. The property is located at 161B Spindrift Road, Carmel, Carmel Area Land Use Plan (APN: 241-191-005-000). 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. 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: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number) was approved by Board of Supervisors for Assessor's Parcel Number 241-191-005-000 on June 13, 2017. The permit was granted subject to 15 conditions of approval 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 RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

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

Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

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

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

4. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption.
(RMA-Planning)

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

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. (County Counsel)

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

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

6. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

7. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:

"The following reports were prepared and are on file in Monterey County RMA - Planning.

-“Robert Ching Property, Biological Resource Analysis for Well Site” (LIB160374) prepared 1 September 2016 by Fred Ballerini, Pacific Grove, CA

-“Tree Protection for Ching property well boring operations” (LIB160373) prepared 20 September 2016 by Rob Thompson, Monterey, CA

-“Preliminary Wetlands Assessment, Ching Property – 161B Spindrift Rd.” (LIB170123) prepared 1 October 2015 by Zander Associates Environmental Consultants, Berkeley, CA

-“Archaeological Reconnaissance” (LIB150293) prepared by Archaeological Consulting, Salinas, CA, July 3, 2014.

-“Biological Resource Analysis for Well Site” (LIB150294) prepared by Fred Ballerini, Pacific Grove, CA, August 10, 2014.

-“Biological Resource Analysis” (LIB150295) prepared by Fred Ballerini, Pacific Grove, CA, May 4, 2015.

-“Arborist Assessment” (LIB150297) prepared by Thompson Wildland Management, Monterey, CA, May 19, 2015.

-“Tree Protection Recommendations” (LIB150296) prepared by Thompson Wildland Management, Monterey, CA, August 11, 2015.

All development shall be in accordance with these reports."
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, 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.

8. PD017 - DEED RESTRICTION-USE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the following:

"Hard rock wells draw water from smaller, less productive areas and water levels or yields may drop rapidly as fractures go dry. The experience of declining and failing yields in hard rock wells is due to the meager ability of fractured rock to store and transmit water. Although a well permit is issued based on set back requirements being met, a well completed in hard rock formation may not be a long-term sustainable water supply."

(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to RMA-Planning.

9. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on 13 April 2020 unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

10. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

11. PD012(N) - LANDSCAPE & VEGETATION (NATIVE & NON-INVASIVE)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In all areas disturbed by construction and staging activities, the Owner/Applicant shall re-vegetate the ground using Native and non-invasive species and the area shall be maintained prevent the spread of invasive species in the area. This includes trimming invasive plant species in the immediate vicinity of the disturbed area, at the appropriate time of year and hand removal of plants as needed to prevent the spread of invasive species.

Compliance or Monitoring Action to be Performed: Within 30 days following construction of the test well, the Owner/Applicant shall submit evidence, to the satisfaction of the Chief of Planning, of re-vegetation in the areas disturbed by construction and staging activities including a list of the plant species used in the re-vegetation.

Within 1 year following construction of the test well, the Owner/Applicant shall submit evidence, to the satisfaction of the Chief of Planning, that the area has been maintained to prevent the spread of invasive species on the site or in the area.

12. EHSP01 – NEW OR AMENDED WELL CONSTRUCTION PERMIT (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain a new or amended water well construction permit from the Environmental Health Bureau pursuant to Monterey County Code Chapter 15.08, Water Wells.

Compliance or Monitoring Action to be Performed: Prior to drilling the well, a CA-licensed well drilling contractor shall obtain a new or amended water well construction permit from the Environmental Health Bureau on behalf of the property owner.

13. EHSP02 – NEW WELL SOURCE CAPACITY TESTING IN NON-ALLUVIAL FORMATION (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: In order to determine the yield of the well and demonstrate compliance with Section 601.1 of the Uniform Plumbing Code, all new or rehabilitated wells constructed in a non-alluvial formation that are proposed to serve as the sole water source or be added to a potable water distribution system shall first undergo a minimum of a 72-hour continuous source capacity test, witnessed by the Environmental Health Bureau (EHB). The testing shall conform to the Source Capacity Test Procedure, available from the EHB. The source capacity testing must yield a sufficient quantity to support the proposed development, as determined by EHB. The applicant shall pay all associated fees to the EHB.

Source capacity testing shall only be completed during the dry season as specified by the Source Capacity Test Procedure, typically no earlier than August 1 of each year and no later than the first significant rainfall event of the wet season.

Compliance or Monitoring Action to be Performed: Prior to the EHB recommending that the test well being approved for conversion to a production well, contact Drinking Water Protection Services of the EHB to schedule a Source Capacity Test and obtain procedure guidelines. A qualified professional shall perform the test and prepare a report as detailed by the EHB Source Capacity Testing Procedure. Submit the report to EHB for review and acceptance.

14. EHSP03 - NEW DOMESTIC WELL WATER QUALITY ANALYSIS (NON-STANDARD)

Responsible Department: Health Department

**Condition/Mitigation
Monitoring Measure:**

A residential building shall be provided with an adequate supply of potable water pursuant to Section 601.1 of the Uniform Plumbing Code. In order to demonstrate a potable supply, a new domestic well shall first undergo water quality testing. Sample collection shall be done after development of the well and shall include analysis of coliform bacteria, and primary inorganics and secondary compounds as listed in Tables 64431-A and 64449-A&B in Title 22 of the California Code of Regulations. Waivers for asbestos, MTBE, and thiobencarb may be available upon request. Sample collection shall be done by a person approved by EHB and shall be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP). If water quality results indicate that the well exceeds a primary drinking water standard(s), a Point-of-Entry treatment system shall be installed before a building is occupied and the applicant shall record a deed restriction indicating that treatment is necessary for the well water to meet Title 22, CCR primary drinking water standards. (Environmental Health)

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

Prior to recommending approval of the test well being converted to a production well, the applicant shall submit water quality analysis results to the Environmental Health Bureau (EHB) for review. If EHB determines that the water quality is adequate, no further action is required.

If EHB determines that treatment is necessary:

- Prior to issuance of a construction permit, the applicant shall provide plans prepared by a qualified individual for point-of-entry treatment to EHB for review and approval.
- Prior to occupancy of a building, the applicant shall provide to EHB for review and approval as-built plans prepared by a qualified individual for point-of-entry treatment and water quality analysis for a treatment effluent sample that demonstrates the treatment system is able to reduce the contaminant(s) to Title 22, CCR primary standards.

The applicant shall submit a draft deed restriction for review and approval by EHB and County Counsel.

The applicant shall provide proof of recordation of the approved deed restriction to EHB and Planning Department.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

15. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any vegetation removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed vegetation removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or vegetation removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or vegetation removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

SHEET INDEX:

TITLE SHEET:	T1
EROSION CONTROL/CONSTRUCTION MANAGEMENT/GRADING PLAN:	C1
SEPTIC PLAN:	

PROJECT DATA:

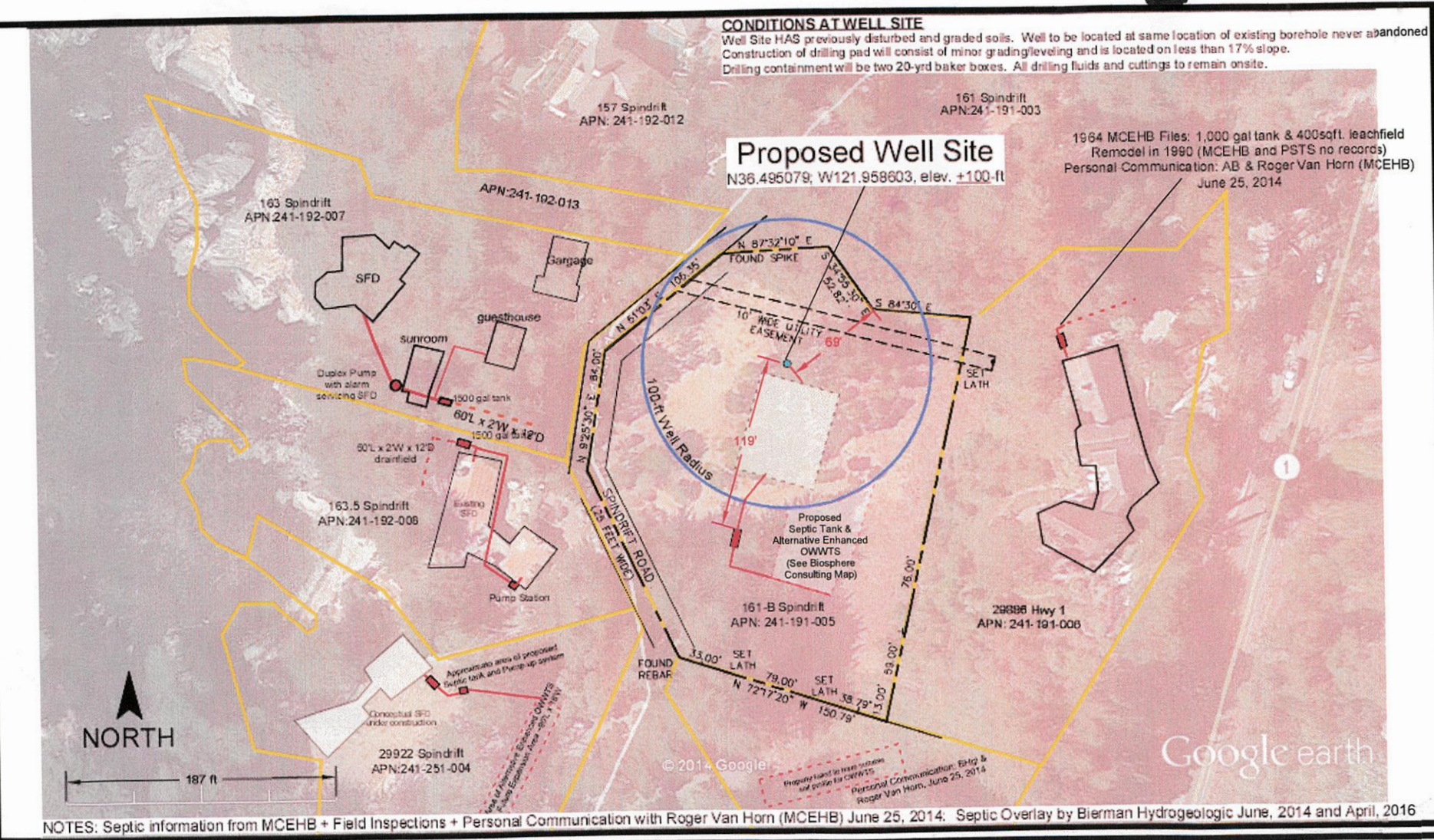
PROJECT LOCATION:	161 B SPINDRIFT RD. CARMEL, CA 93923
JURISDICTIONS:	CARMEL HIGHLANDS FIRE PROTECTION DISTRICT CARMEL LUP CARMEL UNIFIED SCHOOL DISTRICT MONTEREY COUNTY, TITLE 20
LEGAL DESCRIPTION:	PARCEL 5 SPINDRIFT ROAD, CARMEL, CA PARCEL "B" AND PORTION OF PARCEL "A" OF THE MAP FILED IN VOL. X-1, SURVEYS, PAGE 141
APN:	241-191-005-000
PLANNING FILE:	PLN140483
LOT SIZE:	1.33903 ACRES/58,323 SQ. FT.
ZONING:	LDR-1-D (CZ)
TREE REMOVAL:	NONE
WATER PROVIDER:	PROPOSED PRIVATE WELL
ELECTRIC:	PG&E
SEWER PROVIDER:	PROPOSED ADVANCED SEPTIC SYSTEM
PROPOSED CUT/FILL:	80 C.Y. CUT/80 C.T. FILL
OCCUPANCY:	VACANT LAND (NEW SEPTIC AND NEW WELL CONSTRUCTION ONLY)
CONSTRUCTION TYPE:	CWC: T24/CBC:2009 IBC
REQUIRED SET BACKS:	2 COVERED. PROPOSED: 0 (NEW WELL AND NEW SEPTIC SYSTEM ONLY)
ALLOWABLE HEIGHT:	30FT. PROPOSED HEIGHT: 4 FT (PROPOSED WELL HEAD)
EXISTING LOT COVERAGE:	15%
PROPOSED LOT COVERAGE:	0 SQ. FT. (VACANT LOT)
IMPERVIOUS COVERAGE:	0 SQ. FT. (NEW WELL AND NEW SEPTIC SYSTEM ONLY)

PROJECT DESCRIPTION:

COASTAL ADMINISTRATIVE PERMIT FOR MCEH APPROVED APPLICATION FOR CONSTRUCTION OF A (N) WELL AT EXISTING BORE HOLE AND TO CLEAR TO CLEAR CODE VIOLATION (CE020247) PER MCEH REQUIREMENTS. AT ISSUANCE OF A BUILDING PERMIT FOR A (N) SFD, A (N) ETU SEPTIC SYSTEM WILL BE INSTALLED AT PROPOSED AND APPROVED LOCATION. REQUEST FOR ELECTRIC CONNECTION TO WELL. PROJECT IS LOCATED AT 161B SPINDRIFT ROAD, CARMEL, CA (APN: 241-191-005-000), WITHIN THE CARMEL HIGHLANDS LUP AND COASTAL ZONE.

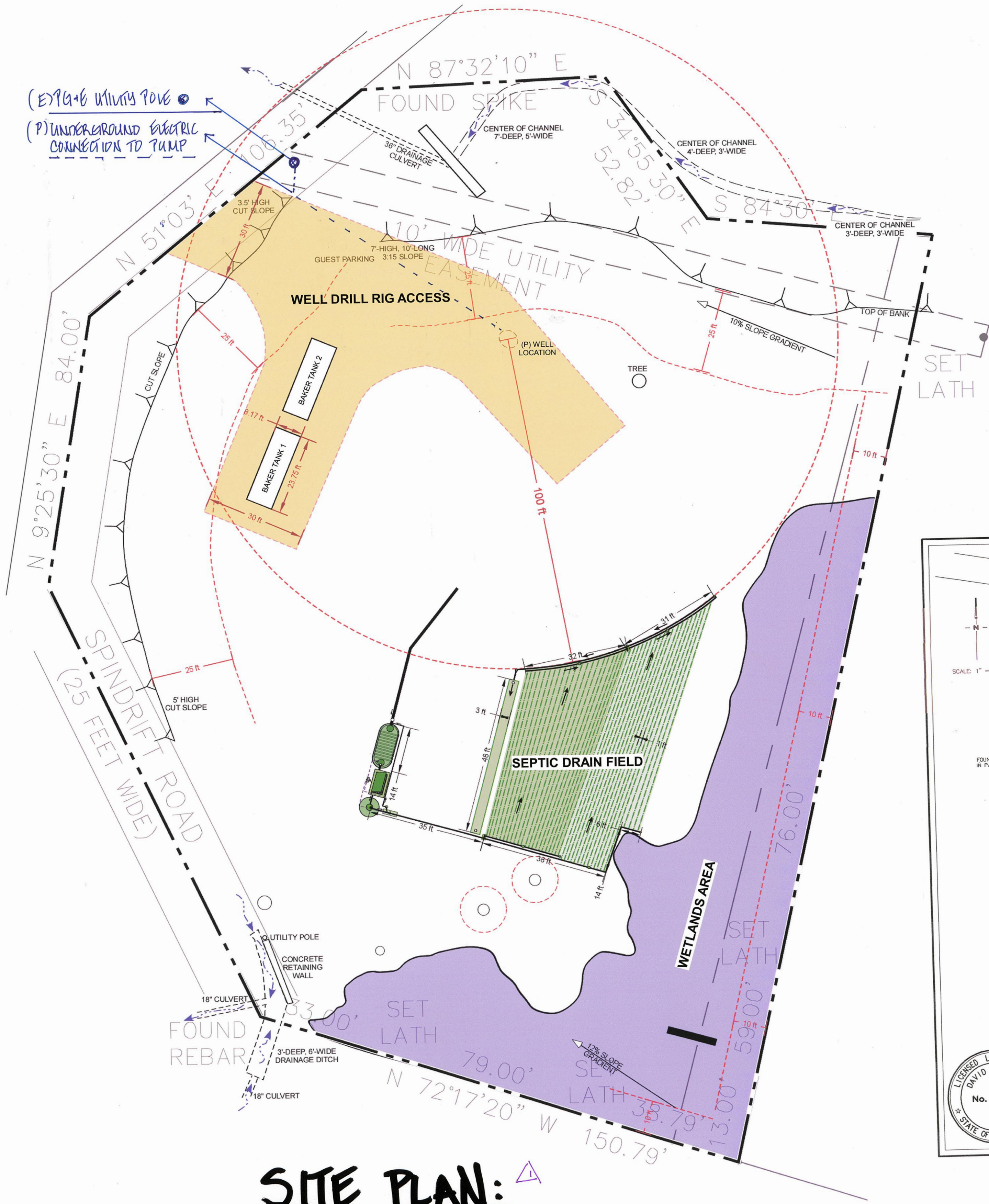
PROJECT TEAM:

OWNER: ROBERT CHING 150 LIMELIGHT WAY OROVILLE, CA 95966 (530) 321-8114 chingandco@sbccglobal.net	BIOLOGIST: FRED BALLERINI POB 1023 PACIFIC GROVE, CA 93950 (831) 333-9009 fred@fredballerini.com
AGENT/PLANS PREPARED BY: TINA HANNAS-DE FREITAS 37748 PALO COLORADO RD. CARMEL, CA 93923 (831) 620-0622 tina.hannas@gmail.com	ARBORIST: ROB THOMPSON 57 Via Del Rey Monterey, California 93940 (831) 372-3796 thompsonrm@gmail.com
HYDROLOGIST: HYDROGEOLOGIC/AARON BIERMAN 3153 REDWOOD DR. APTOS, CA 95003 (831) 688-9886 abierman@comcast.net	ARCHAEOLOGIST: ARCHAEOLOGY CONSULTING MARY DOANE POB 3377 SALINAS, CA 93912 (831) 422-4912
SEPTIC DESIGNER: BIOSPHERE/DAVE QUINN 1315 KING ST. SANTA CRUZ, CA 95060 (831) 430-9115 dave@biosphere-consulting.com	WETLANDS BIOLOGISTS: Zander Associates Environmental Consultants 1563 Solano Ave. #255 Berkeley, CA 94707 (415) 897-8781 mike@zanderassociates.com leslie@zanderassociates.com
SURVEYOR: CENTRAL COAST SURVEYORS/DAVE EDSON 5 HARRIS COURT, SUITE N-11 MONTEREY, CA 93940 (831) 394-4930 dave@ccsurveyors.com	WELL DRILLER: SALINAS PUMP COMPANY Aaron Thornton 21935 Rosehart Way Salinas, CA 93908 (831) 422-4522 aaron.thornton@salinaspump.com



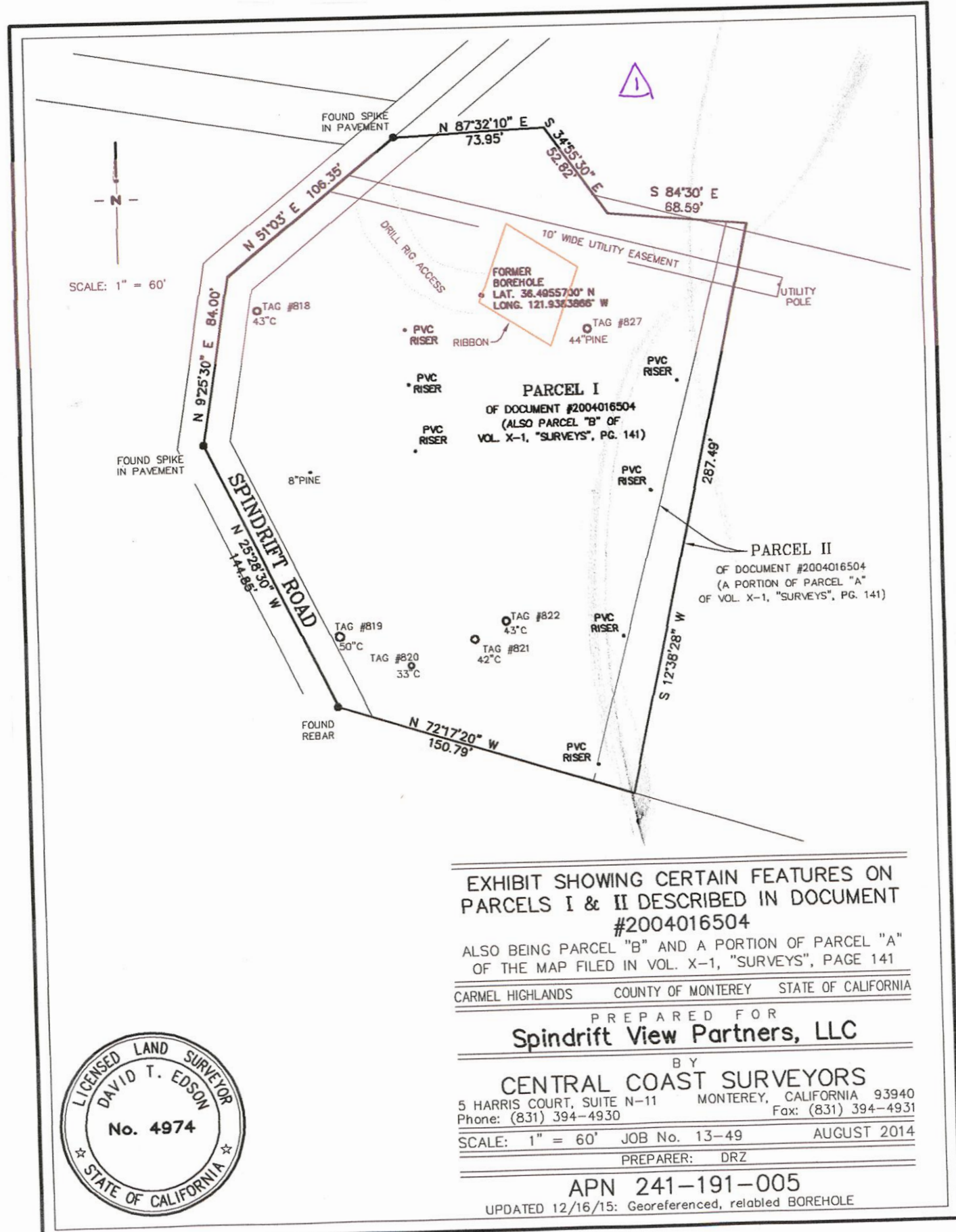
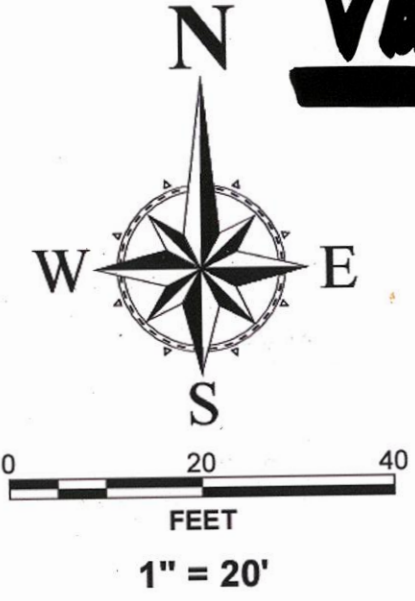
WELL SITING MAP
161-B SPINDRIFT ROAD
CARMEL HIGHLANDS, CARMEL

FIGURE
1



SITE PLAN:

VACINITY MAP:



SURVEY:

CHING

APN: 241-191-005

161-B SPINDRIFT RD.
CARMEL, CA 93923

PLN#140483

ISSUE DATE: 3/2/2015

REVISED: 6/1/2016

DRAWN BY:

TINA HANNAS-DE FREITAS

37748 PALO COLORADO RD.

CARMEL, CA 93923

(831) 620-0622

tina.hannas@gmail.com

1. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PREVENT AIRBORNE DUST FROM BECOMING A NUISANCE TO NEIGHBORING PROPERTIES. THE CONTRACTOR SHALL CONFORM TO THE STANDARDS FOR DUST-CONTROL AS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT. DUST CONTROL MEASURES TO BE IMPLEMENTED INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

- A) PROVIDE EQUIPMENT AND MANPOWER REQUIRED FOR WATERING ALL EXPOSED OR DISTURBED AREA. SUFFICIENT WATERING TO CONTROL DUST IS REQUIRED AT ALL TIMES.
- B) COVER STOCKPILES OF DEBRIS, SOIL, OR OTHER MATERIALS WHICH MAY CONTRIBUTE TO AIRBORNE DUST.
- C) KEEP CONSTRUCTION AREAS AND ADJACENT STREET FREE OF MUD AND DUST.
- D) LANDSCAPE, SEED, OR COVER PORTIONS OF THE SITE AS SOON AS CONSTRUCTION IS COMPLETE.

THE CONTRACTOR SHALL ASSUME LIABILITY FOR CLAIMS RELATED TO WIND BLOWN MATERIAL. IF THE DUST CONTROL IS INADEQUATE AS DETERMINED BY THE CITY, THE CONSTRUCTION WORK SHALL BE TERMINATED UNTIL CORRECTIVE MEASURES ARE TAKEN.

THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO KEEP STREETS AND ROADS FREE FROM DIRT AND DEBRIS. SHOULD ANY DIRT OR DEBRIS BE DEPOSITED IN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL REMOVE IT IMMEDIATELY.

- A) CUT AND FILL SLOPES EXPOSED DURING CONSTRUCTION SHALL BE COVERED, SEEDED OR OTHERWISE TREATED TO CONTROL EROSION WITHIN 48 HOURS AFTER GRADING. CONTRACTOR SHALL PROVIDE EROSION CONTROL MEASURES THROUGH AN APPROVED PROCESS AS DETERMINED BY THE CITY. THIS MAY CONSIST OF EFFECTIVE PLANTING OF RYE GRASS, BARELY OR SOME OTHER FAST GERMINATING SEED.

4. DURING WATER OPERATIONS (BETWEEN OCTOBER 15 AND APRIL 15), THE FOLLOWING MEASURES MUST BE TAKEN:

- A) VEGETATION REMOVAL SHALL BE COMPLETED BY THE END OF THE PROJECT PERIOD OF 15 DAYS. DURING THIS PERIOD, EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED TO PROTECT EXISTING VEGETATION. VEGETATION SHALL BE PROTECTED BY MULCHING AND/OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.
- B) ALL ROADS AND DRIVEWAYS SHALL HAVE DRAINAGE FACILITIES SUFFICIENT TO PREVENT EROSION ON OR ADJACENT TO THE ROADWAY OR THE DOWNHILL PROPERTIES.
- C) RUN-OFF FROM THE SITE SHALL BE DETAINED OR FILTERED BY BERMS, VEGETATED FILTER STRIPS AND/OR CATCH BASINS TO PREVENT THE ESCAPE OF SEDIMENT FROM THE DISTURBED AREA OR SITE.
- D) DRAINAGE OF THE DISTURBED AREA SHALL BE MAINTAINED BY THE CONTRACTOR AS NECESSARY TO ACHIEVE THEIR PURPOSE THROUGHOUT THE LIFE OF THE PROJECT.
- E) EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY CHECKED THROUGHOUT THE LIFE OF THE PROJECT DURING WATER OPERATIONS.

- F) THE GRADING INSPECTOR MAY STOP OPERATIONS DURING PERIODS OF INCLEMENT WEATHER IF EROSION PROBLEMS ARE NOT BEING CONTROLLED ADEQUATELY.
- G) IF VEGETATION REMOVAL TAKES PLACE PRIOR TO A GRADING OPERATION AND THE ACTUAL GRADING DOES NOT BEGIN WITHIN 30 DAYS FROM THE DATE OF REMOVAL, THEN THAT AREA SHALL BE PLANTED UNDER THE PROVISION OF SECTION 16.08.340 TO CONTROL EROSION. NO VEGETATION REMOVAL OR GRADING WILL BE ALLOWED WHICH WILL RESULT IN SALTATION OF WATER COURSES.

5. THE CONTRACTOR SHALL TAKE THE FOLLOWING MEASURES TO PREVENT POLLUTANTS FROM BEING RELEASED TO THE ENVIRONMENT:

- A) ALL POLLUTANTS AND THEIR SOURCES, INCLUDING SOURCES OF SEDIMENT ASSOCIATED WITH CONSTRUCTION, CONSTRUCTION SITE EROSION AND ALL OTHER ACTIVITIES ASSOCIATED WITH CONSTRUCTION ACTIVITY ARE CONTROLLED:
- 1) ALL NONSTORM WATER DISCHARGES ARE IDENTIFIED AND EITHER ELIMINATED, CONTROLLED, OR TREATED;
- 2) SITE BMPs ARE TO BE EFFECTIVE AND RESULT IN THE REDUCTION OR ELIMINATION OF POLLUTANTS IN STORM WATER DISCHARGES AND AUTHORIZED NON-STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITY

- B) STABILIZATION BMPs INSTALLED TO REDUCE OR ELIMINATE POLLUTANTS AFTER CONSTRUCTION IS COMPLETED.

6. THE BEST MANAGEMENT PRACTICES (BMPs) TO BE IMPLEMENTED BY THE PROJECT ARE LISTED BY CATEGORY, FACT SHEETS, AND DETAILS FOR THE BMPs SELECTED FOR THIS PROJECT. CAN BE FOUND IN THE CASQA STORMWATER BEST MANAGEMENT PRACTICE HANDBOOK.

1. POLLUTANTS IN STORM WATER DISCHARGES FROM THE PROJECT DURING CONSTRUCTION MAY ORIGINATE FROM THE DAILY OPERATION OF EQUIPMENT, GRADING OPERATIONS, AND STOCKPILING OF MATERIALS.

-DISCHARGERS SHALL IMPLEMENT GOOD HOUSEKEEPING MEASURES ON THE CONSTRUCTION SITE TO CONTROL THE AIR DEPOSITION OF SITE MATERIALS AND FROM SITE OPERATIONS. SUCH PARTICULATES CAN INCLUDE, BUT ARE NOT LIMITED TO, SEDIMENT, NUTRIENTS, TRASH, METALS, BACTERIA, OIL AND GREASE AND ORGANICS.

1. THE DISCHARGER SHALL PREVENT DISPOSAL OF ANY RINSE OR WASH WATERS OR MATERIALS ON IMPERVIOUS OR PERVIOUS SITE SURFACES OR INTO THE STORM DRAIN SYSTEM.

2. THE DISCHARGER SHALL ENSURE THE CONTAINMENT OF SANITATION FACILITIES (E.G., PORTABLE TOILETS) TO PREVENT DISCHARGES OF POLLUTANTS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER. THE SANITATION FACILITIES SHALL BE CLEANED, REPLACED, AND INSPECTED REGULARLY FOR LEAKS AND SPILLS.

3. WASTE DISPOSAL CONTAINERS SHALL BE COVERED AT THE END OF EVERY BUSINESS DAY AND DURING A RAIN EVENT. NO DISCHARGES FROM WASTE DISPOSAL CONTAINERS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER SHALL BE ALLOWED.

4. STOCKPILED MATERIAL SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.

5. DISCHARGES SHALL BE DEVELOPED THAT EFFECTIVELY ADDRESS HAZARDOUS AND NONHAZARDOUS SPILLS. EQUIPMENT AND MATERIALS FOR CLEANUP OF SPILLS SHALL BE AVAILABLE ON SITE.

6. SPILLS AND LEAKS SHALL BE CLEANED UP IMMEDIATELY AND DISPOSED OF PROPERLY.

7. CONCRETE WASHOUT AREAS SHALL BE CONTAINED SO THERE IS NO DISCHARGE INTO THE UNDERLYING SOIL AND ONTO THE SURROUNDING AREAS.

7. DISCHARGER SHALL MAINTAIN VEHICLES TO PREVENT OIL, GREASE, OR FUEL TO LEAK IN TO THE GROUND, STORM DRAINS OR SURFACE WATERS. ALL EQUIPMENT OR VEHICLES SHALL BE FUELED, MAINTAINED, AND STORED IN A DESIGNATED AREA FENCED WITH APPROPRIATE BARRIERS. LEAKS SHALL BE CLEANED IMMEDIATELY AND DISPOSED OF PROPERLY.

8. IN ADDITION TO THE ABOVE, THE PROJECT WILL IMPLEMENT THE FOLLOWING PRACTICES FOR EFFECTIVE WASTE MANAGEMENT POLLUTION CONTROL WHERE APPLICABLE:

- WM-1. MATERIAL DELIVERY AND STORAGE
- WM-2. MATERIAL USE
- WM-3. STOCKPILE MANAGEMENT
- WM-4. SPILL PREVENTION AND CONTROL
- WM-5. SOLID WASTE MANAGEMENT
- WM-6. HAZARDOUS WASTE MANAGEMENT
- WM-7. CONTAMINATED SOIL MANAGEMENT
- WM-8. CONCRETE WASTE MANAGEMENT
- WM-9. SANITARY/SEPTIC WASTE MANAGEMENT
- WM-10. LIQUID WASTE MANAGEMENT

(SOURCE: STORMWATER BEST MANAGEMENT HANDBOOK)

9. THE CONTRACTOR SHALL REVIEW CONSTRUCTION ACTIVITIES TO IDENTIFY AND QUANTIFY LIKELY CONSTRUCTION MATERIALS AND WASTES. SPECIAL NOTICE SHALL BE MADE OF MATERIALS AND WASTES WITH SPECIAL HANDLING OR DISPOSAL REQUIREMENTS, SUCH AS LEAD CONTAMINATED SOILS, CONCRETE SAW-CUTTING LIQUIDS, WASTE CHEMICALS AND EMPTY CHEMICAL CONTAINERS. THE CONTRACTOR SHALL FOLLOW ALL MANUFACTURERS' STORAGE AND HANDLING RECOMMENDATIONS AND FOLLOW ALL FEDERAL, STATE, AND LOCAL REGULATIONS, WHERE POSSIBLE.

CONTRACTOR SHALL USE SAFER AND LESS POLLUTING PRODUCTS.

1. SUFFICIENT EROSION CONTROL MATERIALS WILL BE MAINTAINED ON-SITE TO ALLOW FOR IMMEDIATE DEPLOYMENT BEFORE THE ONSET OF RAIN.
2. DISCHARGERS SHALL PROVIDE EFFECTIVE SOIL COVERS FOR INACTIVE AREAS (MORE THAN 14 DAYS UN-DISTURBED) AND ALL FINISHED SLOPES, OPEN SPACE, UTILITY BACKFILL, AND COMPLETED AREAS.
3. DISCHARGERS SHALL LIMIT THE USE OF PLASTIC MATERIALS WHEN MORE SUSTAINABLE, ENVIRONMENTALLY FRIENDLY ALTERNATIVES EXIST, WHERE PLASTIC MATERIALS ARE DEEMED NECESSARY, THE DISCHARGER SHALL CONSIDER THE USE OF PLASTIC MATERIALS RESISTANT TO SOLAR DEGRADATION.
4. IN ADDITION TO THE ABOVE, THE PROJECT WILL IMPLEMENT THE FOLLOWING PRACTICES FOR EFFECTIVE TEMPORARY AND FINAL EROSION CONTROL DURING CONSTRUCTION WHERE APPLICABLE:
 - EC-1. SCHEDULING
 - EC-2. PRESERVATION OF EXISTING VEGETATION
 - EC-3. HYDRAULIC MULCH
 - EC-4. HYDROSEEDING
 - EC-5. SOIL BINDERS
 - EC-6. STRAW MULCH
 - EC-7. GEOTEXTILES AND MATS
 - EC-8. WOOD MULCHING
 - EC-9. EARTH DIKES AND DRAINAGE SWALES
 - EC-10. VELOCITY DISSIPATION DEVICES
 - EC-11. SLOPE DRAINS
 - EC-12. STREAMBANK STABILIZATION
 - EC-13. POLYACRYLAMIDE

(SOURCE: STORMWATER BEST MANAGEMENT HANDBOOK)

5. SPECIAL CARE SHALL BE TAKEN SO THAT NO FILL MATERIALS SHALL BE PLACED, SPREAD, OR ROLLED DURING UNFAVORABLE WEATHER CONDITIONS.

SEDIMENT CONTROL

1. SUFFICIENT QUANTITIES OF TEMPORARY SEDIMENT CONTROL MATERIALS WILL BE MAINTAINED ON-SITE THROUGHOUT THE DURATION OF THE PROJECT, TO ALLOW IMPLEMENTATION OF TEMPORARY SEDIMENT CONTROLS IN THE EVENT OF PREDICTED RAIN AND FOR RAPID RESPONSE TO FAILURES OR EMERGENCIES.
2. DISCHARGERS SHALL ESTABLISH AND MAINTAIN EFFECTIVE PERIMETER CONTROLS AND STABILIZE ALL CONSTRUCTION ENTRANCES AND EXITS TO SUFFICIENTLY CONTROL EROSION AND SEDIMENT DISCHARGES FROM THE SITE.
3. DISCHARGERS SHALL EFFECTIVELY MANAGE ALL RUN-ON, ALL RUNOFF WITHIN THE SITE AND ALL RUNOFF THAT DISCHARGES OFF THE SITE. RUN-ON FROM OFF-SITE SHALL BE DIRECTED AWAY FROM THE PROJECT AREA AND NOT COLLECTED BY THE EFFLUENT TRENCH.
4. DISCHARGERS SHALL APPLY LINEAR SEDIMENT CONTROLS ALONG THE TOE OF THE SLOPE, FACE OF THE SLOPE, AND AT THE GRADE BREAKS OF EXPOSED SLOPES.
5. DISCHARGERS SHALL ENSURE THAT CONSTRUCTION ACTIVITY TRAFFIC TO AND FROM THE PROJECT IS LIMITED TO ENTRANCES AND EXITS THAT EMPLOY EFFECTIVE CONTROLS TO PREVENT OFFSITE EROSION.
6. DISCHARGERS SHALL ENSURE THAT ALL STORM DRAIN INLETS AND PERIMETER CONTROLS, RUNOFF CONTROL BMPs, AND POLLUTANT CONTROLS AT ENTRANCES AND EXITS (E.G. TIRE WASH LOCATIONS) ARE MAINTAINED AND PROTECTED FROM ACTIVITIES THAT REDUCE THEIR EFFECTIVENESS.
7. DISCHARGERS SHALL INSPECT ON A DAILY BASIS AND IMMEDIATE ACTION BE TAKEN TO ADDRESS ANY OF THE FOLLOWING:
 - a. AT A MINIMUM DAILY (WHEN NECESSARY) AND PRIOR TO ANY RAIN EVENT, THE DISCHARGER SHALL REMOVE ANY SEDIMENT OR OTHER CONSTRUCTION ACTIVITY RELATED MATERIALS THAT ARE ACCUMULATED AT OR NEAR THE ENTRANCES AND EXITS.
8. IN ADDITION TO THE ABOVE, THE PROJECT WILL IMPLEMENT THE FOLLOWING PRACTICES FOR EFFECTIVE TEMPORARY AND FINAL SEDIMENT CONTROL DURING CONSTRUCTION WHERE APPLICABLE:

SE-3. SEDIMENT TRAP
SE-4. CHECK DAMS
SE-5. FIBER ROLLS
SE-6. GRAVEL BAG BERM
SE-7. STREET SWEEPING AND VACUUMING
SE-8. SANDBAG BARRIER
SE-9. STRAW BALE BARRIER
SE-10. STORM DRAIN INLET PROTECTION
SE-11. CHEMICAL TREATMENT
(SOURCE: STORMWATER BEST MANAGEMENT HANDBOOK)

1. TRACKING CONTROLS SHALL BE IMPLEMENTED AND MAINTAINED YEAR-ROUND AND THROUGHOUT THE DURATION OF THE PROJECT. AT ALL ACCESS (INGRESS/EGRESS) POINTS TO THE PROJECT SITE WHERE VEHICLES AND/OR EQUIPMENT MAY TRACK SEDIMENT FROM THE CONSTRUCTION SITE ONTO PUBLIC OR PRIVATE ROADWAYS.

2. IN GENERAL, THE PROJECT WILL IMPLEMENT THE FOLLOWING PRACTICES FOR EFFECTIVE TRACKING CONTROL DURING CONSTRUCTION WHERE APPLICABLE:

- TC-1. STABILIZED CONSTRUCTION ENTRANCE/EXIT
- TC-2. STABILIZED CONSTRUCTION ROADWAY
- TC-3. ENTRANCE/OUTLET TIRE WASH

(SOURCE: STORMWATER BEST MANAGEMENT HANDBOOK)

1. WIND EROSION CONTROL BMPs SHALL BE IMPLEMENTED AND MAINTAINED YEAR-ROUND AND THROUGHOUT THE DURATION OF THE PROJECT ON ALL DISTURBED SOILS ON THE PROJECT SITE THAT ARE SUBJECT TO WIND EROSION, AND WHEN SIGNIFICANT WIND AND DRY CONDITIONS ARE ANTICIPATED DURING PROJECT CONSTRUCTION. THE OBJECTIVE OF WIND CONTROLS IS TO PREVENT THE TRANSPORT OF SOIL FROM DISTURBED AREAS OF THE PROJECT SITE BY WIND.

2. IN GENERAL, THE PROJECT WILL IMPLEMENT THE FOLLOWING PRACTICES FOR EFFECTIVE WIND EROSION CONTROL DURING CONSTRUCTION WHERE APPLICABLE:

WE-1. WIND EROSION CONTROL

(SOURCE: STORMWATER BEST MANAGEMENT HANDBOOK)

1. NON-STORM WATER DISCHARGES CONSIST OF ALL DISCHARGES TO/FROM A MUNICIPAL STORM WATER CONVEYANCE, WHICH DO NOT ORIGINATE FROM PRECIPITATION EVENTS (I.E., ALL DISCHARGES FROM A CONVEYANCE SYSTEM OTHER THAN STORM WATER).
2. DISCHARGERS SHALL IMPLEMENT MEASURES TO CONTROL ALL NON-STORM WATER DISCHARGES DURING CONSTRUCTION.
3. DISCHARGERS SHALL WASH VEHICLES IN SUCH A MANNER AS TO PREVENT NON-STORM WATER DISCHARGES.
4. DISCHARGERS SHALL CLEAN STREETS IN SUCH A MANNER AS TO PREVENT UNAUTHORIZED NON-STORM WATER DISCHARGES.
5. IN ADDITION TO THE ABOVE, THE PROJECT WILL IMPLEMENT THE FOLLOWING PRACTICES FOR EFFECTIVE NON-STORMWATER MANAGEMENT POLLUTION CONTROL WHERE APPLICABLE:
 - NS-1. WATER CONSERVATION PRACTICES
 - NS-2. DEWATERING OPERATIONS
 - NS-3. PAVING AND GRINDING OPERATIONS
 - NS-4. TEMPORARY STREAM CROSSING
 - NS-5. CLEAR WATER DIVERSION
 - NS-6. ILICIT CONNECTION/ILLEGAL DISCHARGE DETECTION AND REPORTING
 - NS-7. POTABLE WATER / IRRIGATION
 - NS-8. VEHICLE AND EQUIPMENT CLEANING
 - NS-9. VEHICLE AND EQUIPMENT FUELING
 - NS-10. VEHICLE AND EQUIPMENT MAINTENANCE
 - NS-11. PILE DRIVING OPERATIONS
 - NS-12. CONCRETE CURING
 - NS-13. MATERIALS AND EQUIPMENT USE OVER WATER
 - NS-14. CONCRETE FINISHING
 - NS-15. STRUCTURE DEMOLITION/REMOVAL
 - NS-16. TEMPORARY BATCH PLANTS

(SOURCE: STORMWATER BEST MANAGEMENT HANDBOOK)

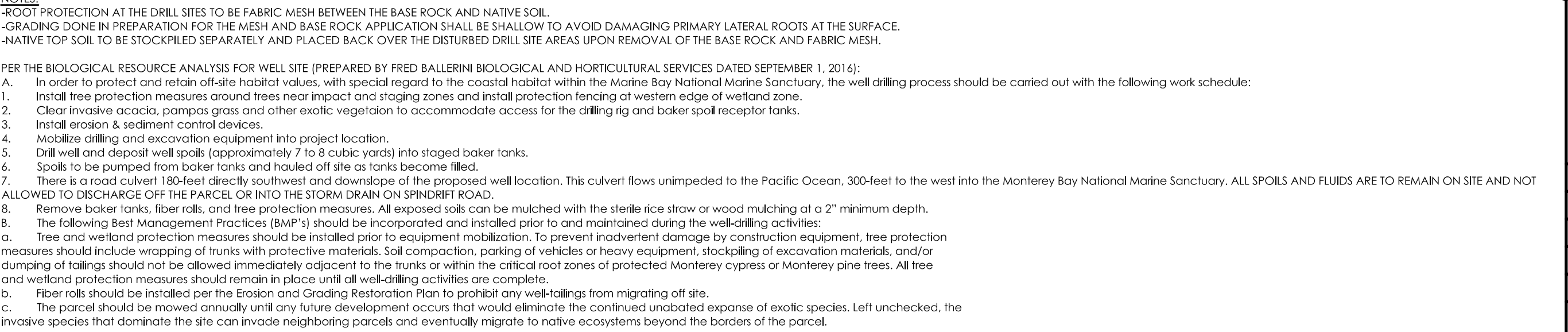
Technical drawing of a fiber roll. The roll is cylindrical with a diameter of 7 DIA. The height of the roll is 4" EMBEDMENT MAX. The roll is supported by a wooden stake that is 12" MIN. long. The stake is made of 1"X1"X24"(OR) 1"X1"X36" WOOD STAKES 4" O.C. The roll is labeled B C1.

FIGURE 1

1. ACTUAL LAYOUT DETERMINED IN THE FIELD.

2. THE CONCRETE WASHOUT SIGN (SEE FIG. 4-15) SHALL BE REPAIRED WITHIN 10 m OF THE TEMPORARY CONCRETE WASHOUT FACILITY.

SOURCE: CALTRANS

[illegible]

SCALE: 1"=20'

[illegible]