

Attachment A

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When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: **Maira Blanco**
1441 Schilling Place 2nd Floor
Salinas, CA 93901
(831) 755-5052

Space above for Recorder's Use

No fee document pursuant to
Government Code Section 27383

Permit No.: PLN070650
Resolution No.: 10-022
Owner Name: Stacey and Deborah Sell
Project Planner: Maira Blanco
APN: 129-151-055-000

The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF \$ 0
[] computed on the consideration or full value of
property conveyed, OR
[] computed on the consideration or full value less
value of liens and/or encumbrances remaining at
time of sale,
[] unincorporated area; and
[X] Exempt from transfer tax,
Reason: Transfer to a governmental entity

Signature of Declarant or Agent

CONSERVATION EASEMENT DEED (COASTAL)

THIS DEED made this 10th day of March, 2018, by and between Stacey and Deborah Sell as Grantors, and the *COUNTY OF MONTEREY*, a political subdivision of the State of California, as Grantee,

WITNESSETH:

WHEREAS, said Grantors are the owners in fee of the real property more particularly described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey County, California (hereinafter the "Property"); and

WHEREAS, the Property of said Grantors has certain natural scenic beauty and existing openness; and

WHEREAS, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of the Property of the Grantor; and

WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program (LCP); and

WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and

WHEREAS, a **Combined Development Permit** (File Number **PLN070650**) (hereinafter referred to as the "Permit") was granted on **July 8, 2010**, by the Monterey County **Zoning Administrator** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **10-022**. That resolution is attached hereto as Exhibit "B" (without sketches) and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No. #9: A Conservation Easement shall be conveyed to the County over those portions of the property where Environmentally Sensitive habitat exists, approximately 47,573 square feet (1.092 acres). The easement shall be developed in consultation with a certified professional. An easement deed shall be submitted to, reviewed and approved by the Chief of Planning of the RMA Planning Department prior to issuance of grading and building permits.

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter "easement") over the Property as shown in Exhibit "C" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the Property were not restricted in accordance with this easement; and

WHEREAS, the County has placed the Condition on the permit because a finding must be made under the law that the proposed development is in conformity with the

provisions of the certified Local Coastal Program and that in the absence of the protections provided by the Condition said finding could not be made; and

WHEREAS, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

WHEREAS, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey the conservation and scenic use as herein expressed of the Property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

NOW, THEREFORE, the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described and depicted in Exhibit "C", attached hereto, and made a part hereof, hereinafter referred to as the "Conservation and Scenic Easement Area".

B. RESTRICTIONS. The restrictions hereby imposed upon the use of the Conservation and Scenic Easement Area by the Grantor and the acts which said Grantor shall refrain from doing upon the Conservation and Scenic Easement Area in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said Conservation and Scenic Easement Area.

2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area, unless planted by a qualified biologist according to an approved habitat restoration plan.

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.

5. That no use of the Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Property other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement:

1. The right to maintain all existing private roads, bridges, trails and structures upon the Conservation and Scenic Easement Area.

2. The use and occupancy of the Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.

3. Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Fuel Management Plan approved with the Permit on file with the Monterey County Planning Department.

D. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Grantor by this instrument shall be subject to all applicable laws regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and

assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Property contrary to the terms of this grant of easement will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising

out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. SEVERABILITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 10th day of March, 2018 at Soquel, California.


SELL, STACEY AND DEBORAH

By: 

(Signature)

STACEY A. SELL

(Print or Type Name and Title)

By: 

(Signature)

Deborah Sell

Notary Public
See Attached

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Santa Cruz }

On 3-8-18 before me, Alberto De La Cruz Notary Public
(Here insert name and title of the officer)

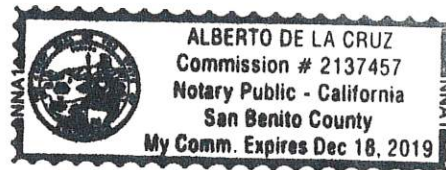
personally appeared Stacey a Sell
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Easement Deed

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 6 Document Date 3-8-18

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/~~they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

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

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA) Q
COUNTY OF MONTEREY) SANTA CRUZ

On 03/10/2018 before me, K. Scadina, a
Notary Public, personally appeared Deborah Sell, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature K. Scadina



(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

DATED: _____.

Signature _____

Charles, J. McKee, County Counsel

By:

DATED: 5-14-18

Type/Print Name:

Brian P. Briggs
Deputy County Counsel

EXHIBIT "A"

PARCEL 1:

SITUATE IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AND BEING A PART OF THE RANCHO BOLSA NUEVA Y MORO COJO, AND BEING A PART OF THAT CERTAIN PARCEL OF THE LAND DESCRIBED IN GRANT DEED TO JOANN VAN ARSDALE, AN UNMARRIED WOMAN AND CURT MORGAN, AN UNMARRIED MAN, AS TENANTS IN COMMON, RECORDED IN REEL 3377, OFFICIAL RECORDS MONTEREY COUNTY, AT PAGE 1359, AND AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD MAY 12, 1997, IN VOLUME 21 OF SURVEYS, AT PAGE 8, RECORDS OF MONTEREY COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT ON THE WESTERLY BOUNDARY OF SAID PARCEL AS SHOWN ON SAID MAP, FROM WHICH THE NORTHWEST CORNER SAID PARCEL BEARS N. 90° 50' 39" E., 781.35 FEET DISTANT THENCE FROM SAID POINT OF BEGINNING AND ACROSS SAID PARCEL.

(1) S. 80° 00' 44" E., 339.54 FEET ON THE EASTERLY BOUNDARY OF SAID PARCEL; THENCE ALONG EASTERLY BOUNDARY,

(2) N. 10° 12' 23" E. 870.21 FEET, TO A POINT ON THE NORTHERLY BOUNDARY OF SAID PARCEL; THENCE ALONG NORTHERLY BOUNDARY.

(3) N. 78° 44' 32" W., 137.13 FEET; THENCE

(4) S. 76° 07' 26" W., 227.14 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY AND ALONG THE WESTERLY BOUNDARY OF SAID PARCEL.

(5) S. 09° 50' 39" W., 781.35 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE CONSTRUCTION AND MAINTENANCE OF A DRIVEWAY AND UTILITIES ON, OVER, UNDER, AND ACROSS THAT CERTAIN PARCEL, SAID PARCEL PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE, L.S. 3376, SAID POINT BEING THE MOST SOUTHEASTERLY CORNER OF THAT CERTAIN 10.533 ACRE PARCEL (APN 129-151-007), SAID CORNER LYING ON THE NORTHERLY RIGHT-OF-WAY OF HIDDEN VALLEY ROAD, A COUNTY ROAD, AS SAID PARCEL AND ROAD ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF THOSE PARCELS DESCRIBED IN GRANT DEED IN REEL 3199 OFFICIAL RECORDS AT PAGE 325, ETC.", RECORDED ON MAY 12, 1997 IN VOLUME 21 OF SURVEYS AT PAGE 8, RECORDS OF MONTEREY COUNTY, CALIFORNIA, THENCE RUNNING ALONG SAID NORTHERLY RIGHT-OF-WAY AND SOUTHERLY BOUNDARY OF SAID 10.533 ACRE PARCEL

1) N 73° 40' 16" W, 45.29 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND SOUTHERLY BOUNDARY AND RUNNING PARALLEL TO AND 45.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE EASTERLY BOUNDARY OF SAID 10.533 ACRE PARCEL; THENCE

2) N 09° 50' 39" E, 20.00 FEET; THENCE

3) N 17° 58' 59" E, 105.95 FEET TO A POINT 30.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM SAID EASTERLY BOUNDARY OF SAID 10.533 ACRE PARCEL; THENCE RUNNING PARALLEL TO SAID EASTERLY BOUNDARY

4) N 09° 50' 39" E, 547.31 FEET TO A POINT 30.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTHWESTERLY CORNER OF THAT CERTAIN 6.638 ACRE PARCEL (APN 129-151-008) SHOWN ON SAID MAP; THENCE

5) N 40° 48' 29" E, 58.31 FEET TO A POINT ON THE COMMON BOUNDARY BETWEEN SAID 10.533 ACRE PARCEL AND SAID 6.638 ACRE PARCEL (APN 129-151-055); THENCE RUNNING ALONG SAID COMMON BOUNDARY

6) S 09° 50' 39" W, 50.00 FEET TO A 3/4" IRON PIPE, L.S. 3376, SAID POINT BEING THE SOUTHWESTERLY CORNER OF SAID 6.638 ACRE PARCEL; THENCE CONTINUING ALONG THE EASTERLY BOUNDARY OF SAID 10.533 ACRE PARCEL

7) S 09° 50' 39" W, 677.31 FEET TO THE POINT OF BEGINNING.

Exhibit A

EXHIBIT B

Before the Zoning Administrator in and for the
County of Monterey, State of California

In the matter of the application of:

KATHLEEN DYER (PLN070650)

RESOLUTION NO. 10-022

Resolution by the Monterey County Zoning
Administrator:

- 1) Adopts Negative Declaration per (CEQA) Guidelines Section 15064.a.1; and
- 2) Approves Combined Development Permit consisting of 1) Coastal Administrative Permit to allow the construction of a 2,995 square foot two story single family dwelling with attached 484 square foot garage, 1,000 square feet of decking and garden walls (4 feet in height); swimming pool, new propane tank, new domestic well, and septic system; 2) Coastal Administrative Permit to allow use of temporary residence during construction; 3) Coastal Administrative Permit to allow two- 4,900 gallon water storage tanks; 4) Coastal Administrative Permit to allow the construction of a 1,500 square foot barn with a septic system; 5) Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; grading (2,300 cubic yards cut/1,900 cubic yards fill) and paving of an existing access road (1,200 linear feet).

(PLN070650, Dyer, 327 Hidden Valley Road, North
County Land Use Plan (APN 129-151-055-000))



The Combined Development Permit application (PLN070650) came on for public hearing before the Monterey County Zoning Administrator on July 8, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Land Use Plan, Monterey County Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the

project indicating any inconsistencies with the text, policies, and regulations in these documents.

- (b) The property is located at 327 Hidden Valley Road, Salinas (Assessor's Parcel Number 129-151-055-000), North County Land Use Plan. The parcel is zoned Rural Density Residential, 5 acres per unit in the Coastal Zone ("RDR/5 (CZ)") which allows residential development and accessory structures. Therefore, the property is suitable for the proposed development.
- (c) Pursuant to 20.16.040.F, a Coastal Administrative Permit is allowed for temporary residences used as living quarters during the construction of the first dwelling on a lot. A condition of approval has been added to require the applicant to adhere to the regulations of Temporary Residences (Condition #4).
- (d) The project planner conducted site inspections on June 24, 2008, June 1, 2009 and August 14, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- (e) The project proposes the construction of a single family dwelling and barn which are allowed, each with a Coastal Administrative Permit per Sections 20.16.040.A and E of the Monterey County Code. Site development standards are as follows:

Main Structure:

Required Front setback:	30 feet	Proposed:	200+ feet
Required Side setback:	20 feet	Proposed:	78 ft/200 feet
Required Rear setback:	20 feet	Proposed:	158 feet
Required Max Height:	30 feet	Proposed:	25 ft 4 inches

Accessory Structure:

Required Front setback:	50 feet	Proposed:	108 feet
Required Side setback:	20 feet	Proposed:	75 ft/300 feet
Required Rear setback:	20 feet	Proposed:	270 feet
Required Max Height:	30 feet	Proposed:	19 ft 3 inches

The project, as proposed, is consistent with the applicable zoning policies.

- (f) The Biological Report and site visits confirmed that the property contains environmentally sensitive habitat (ESHA). Potential Impacts were identified during the Initial Study process, and applicants relocated all structures to avoid disturbance of the protected habitat. (*See Finding 3*) Although no habitat will be disturbed during construction, the proposed project is within 100 feet of ESHA, and requires a Coastal Development Permit pursuant to Section 20.16.030 of Monterey County Code. Also, pursuant to Section 20.144.040.B.6 North County Coastal Implementation Plan (NCCIP), the environmentally sensitive area above the property will be dedicated to a conservation scenic easement. (Condition #5)
- (g) The parcel is not located within a public viewshed and there is no tree removal proposed for this project. The project site is located in an area of low archaeological sensitivity. The parcel is not described as an area where the Local Coastal Program requires access and it is not indicated as part of any designated trails or shoreline access as shown in Figure 6 (Shoreline Access/Trails Map) of the North County. The project, as proposed, is consistent

with the policies of the North County Land Use Plan. (See Finding 4)

- (h) On August 17, 2009, North County Coastal Land Use Advisory Committee (LUAC) voted 5-0 to approve the project with a recommendation to put the environmentally sensitive habitat in a scenic easement. Condition #5 shall require a dedicated portion of the parcel to a conservation scenic easement.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070650.

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 Department North County Fire Protection District, Public Works, Environmental Health Division, 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) The parcel is identified on County resource maps as located within a high fire hazard area. Section 20.144.100.C of the Coastal Implementation Plan Part 2 requires the filing of a deed restriction to note that development may be subject to certain restrictions (Condition #4).

(c) Technical reports by outside biological and geotechnical consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The Zoning Administrator concurs. The following reports have been prepared:

- i. "Geotechnical and Percolation Investigation" (LIB080347) prepared by Soil Surveys, Inc., Salinas, Ca, April 6, 1999
- ii. "Biological Report" (LIB080346) prepared by Jud Vandever, Biological Consultant, Monterey, Ca, September 16, 1999
- iii. "Spring Biological Survey" (LIB090384) prepared by Ed Mercurio, Biological Consultant, Salinas, CA, May 5, 2009
- iv. "Addendum to Spring Biological Survey" (LIB090384) prepared by Ed Mercurio, Biological Consultant, Salinas, CA, September 20, 2009

(d) Staff conducted a site inspection on June 24, 2008, June 1, 2009 and August 14, 2009 to verify that the site is suitable for this use.

(e) Materials in Project File PLN070650.

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

- EVIDENCE:** (a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- (b) Biological Report and site visits confirmed that the property contains environmentally sensitive habitat (ESHA). The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN070650).
- (c) The Initial Study identified potentially significant effects, but applicants revised the project to avoid the effects to a point where clearly no significant effects would occur. The Draft Negative Declaration Negative Declaration ("ND") for PLN070650 was prepared in accordance with CEQA and circulated for public review from May 24, 2010 through June 24, 2010 (SCH#:2010051065). Issues that were analyzed in the Draft Negative Declaration ("ND") include: air quality, biological resources, and greenhouse gases.
- (d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**.
- (e) Evidence that has been received and considered includes: the application, technical studies/reports (*See Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN070650) and are hereby incorporated herein by reference.
- (f) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports Environmentally Sensitive Habitat. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the ND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee for processing said fee and posting the Notice of Determination (NOD).
- (g) At the time this report was prepared, the County had not received any comments. However, if comments are received prior to the public

review period ending June 24, 2010, the County will address them at the public hearing.

- (h) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

4. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan (Part 1), can be demonstrated.

- EVIDENCE:**
- (a) The subject property is not described as an area where the Local Coastal Program requires access.
 - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 6 (Shoreline Access/Trails Map) of the North County Coastal Land Use Plan, and complies with the North County Coastal 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) Site visits by the project planner on June 24, 2008, June 1, 2009 and August 14, 2009.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

6. **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: See Findings #1, #2 and #3 and support evidence.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

- (b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission). Development permitted as a conditional use may be appealed to the Coastal Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Adopts Negative Declaration per (CEQA) Guidelines Section 15064.a.1; and
- B. Approves the Combined Development Permit PLN070650, in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.


Taven M Kinison Brown, Acting Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **AUG 03 2010**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **AUG 13 2010**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

NOTES

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

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

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

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 10-022 - EXHIBIT 1

Monterey County Resource Management Agency Planning Department Condition Compliance Plan

Project Name: Dyer, Kathleen Ann

File No: PLN070650

APNs: 129-151-055-000

Approved by: Zoning Administrator

Date: July 8, 2010

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA - Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit consisting of 1) Coastal Administrative Permit to allow the construction of a 2,995 square foot two story single family dwelling with an attached 484 square foot garage, 1,000 square feet of decking and garden walls (4 feet in height); swimming pool, new propane tank, new domestic well, and septic system; 2) Coastal Administrative Permit to allow use of a temporary residence during construction; 3) Coastal Administrative Permit to allow two 4,900 gallon water storage tanks; 4) Coastal Administrative Permit to allow the construction of a 1,500 square foot barn with a septic system; 5) Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; and grading (2,300 cubic yards cut/1,900 cubic yards fill) and paving of an existing access road (1,200 linear feet). The property is located at 327 Hidden Valley Road, Royal Oaks (Assessor's Parcel Number 129-151-055-000), North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 10-022) was approved by the Zoning Administrator for Assessor's Parcel Number 129-151-055-000 on July 8, 2010. The permit was granted subject to 28 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD012(H) - LANDSCAPING PLAN - NORTH COUNTY COASTAL NATIVE The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from the RMA - Planning Department. (RMA - Planning Department)	Submit landscape plans and contractor's estimate to RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.		<p>PDSP0001 – TEMPORARY RESIDENCE DURING CONSTRUCTION</p> <p>The applicant shall adhere to the following Regulations: Recreational vehicles or mobilehomes may be used as a temporary residence during the course of actual construction of a single family dwelling subject to the following standards:</p> <ol style="list-style-type: none"> 1. Only 1 temporary residence may be allowed on a lot. 2. No temporary residence may be allowed if other residences exist on the lot. 3. All building, health, public works or other required permits for the temporary residence must be obtained, all installations be completed, inspected and approved prior to occupancy of the temporary residence. 4. The use of the temporary residence may not begin until a building permit for the permanent residence is issued. 5. Actual construction on the permanent residence must start within 60 days of the issuance of the building permit for the residence or the use of the temporary residence must cease, the unit be vacated and be disconnected from all utilities until actual construction is started. 6. The use of the temporary residence must cease within 18 months of the date of issuance of the building permit for the permanent residence or occupancy of the permanent dwelling whichever occurs first. Upon cessation of the use, if the temporary residence is a mobilehome it must be removed from the property. If the temporary residence is a travel trailer, motorized recreational vehicle, fifth wheel unit, motorhome or similar recreational vehicle, the unit shall be disconnected from all utilities, but need not be removed from the property. 7. The temporary residence must be connected to a water source and sewage disposal facility approved by the Director of Environmental Health. <p>(RMA – Planning Department)</p>	<p>The applicant shall obtain approval from the Environmental Health Bureau that connection to a water source and sewage disposal facility has been granted and submit proof to the Director of Planning</p>	Owner/Applicant	Prior to issuance of Building Permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 3 years, to expire on July 8, 2013 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
6.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
7.		PD021 - DEED RESTRICTION - FIRE HAZARD Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.144.100.C of the Coastal Implementation Plan and per the standards for development of residential property." (RMA – Planning Department)	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commencement of use	
8.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Spring Biological Survey has been prepared for this parcel by Ed Mercurio, Biological Consultant, dated April 11, 2009 and Addendum to the Spring Biological Survey, dated September 20, 2009, and are on record in the Monterey County RMA - Planning Department, Library No. LIB090384. All development shall be in accordance with the report and Addendum."	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
			Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		(RMA – Planning Department)	Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commencement of use	
9.		PD022(A) – EASEMENT – CONSERVATION AND SCENIC A conservation and scenic easement shall be conveyed to the County over those portions of the property where Environmentally Sensitive Habitat exists. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA – Planning Department)	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 the RMA - Planning Department for review and approval. Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant/ Certified Professional	Prior to issuance of grading and building permits	
10.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures 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 exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans. The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to final inspection or commencement use Prior to the issuance of building permits.	
				Owner/ Applicant	Prior to Occupancy / Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA – Public Works						
11.		PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Hidden Valley Road. (Public Works)	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
Environmental Health						
12.		EH0001 - ENGINEERED SEPTIC SYSTEM Submit an engineered wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. Show on revised map the location of the septic area subject to vehicular traffic. Install primary, secondary and tertiary drain fields at initial construction. (Environmental Health)	Division of Environmental Health must approve plans. Pay all applicable fees.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of building permits.	
Water Resources Agency						
13.		WR3 - DRAINAGE PLAN - RETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ engineer	Prior to issuance of grading or building permits	
14.		WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		approved plans. (Water Resources Agency)				
15.		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/Applicant	Prior to final building inspection/occupancy	
North County Fire District						
16.		<p>FIRE001 - ROAD ACCESS</p> <p>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. (North County Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

Permit Cond. Number	Mtg. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
17.		FIRE005 - DEAD-END ROADS (3) For parcels greater than 5 acres and not exceeding 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 2640 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. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	
18.		FIRE002 - ROADWAY ENGINEERING 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. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	

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19.		FIRE008 - GATES 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. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
20.		FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL) For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
21.		<p>FIRE007 - DRIVEWAYS</p> <p>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 long with a minimum 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.</p> <p>(North County Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection.</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
22.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>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 and visible 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. (North County Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	
23.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES</p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

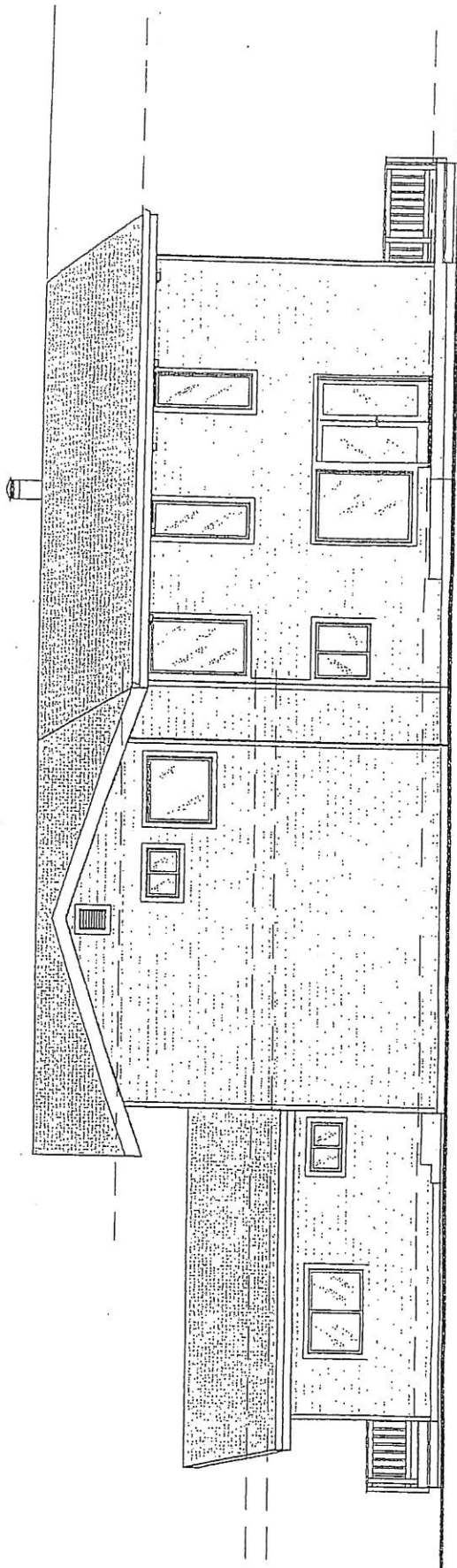
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. (North County Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
24.		FIRE016 - SETBACKS 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. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
25.		FIRE017 - DISPOSAL OF VEGETATION AND FUELS 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. (North County Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
26.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (North County Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection	
27.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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. (North County Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. rough sprinkler inspection Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner Applicant or owner Applicant or owner	Prior to issuance of building permit. Prior to framing inspection Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
28.		FIRE026 - ROOF CONSTRUCTION (STANDARD) 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 B roof construction. (North County Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

Rev. 05/27/2010

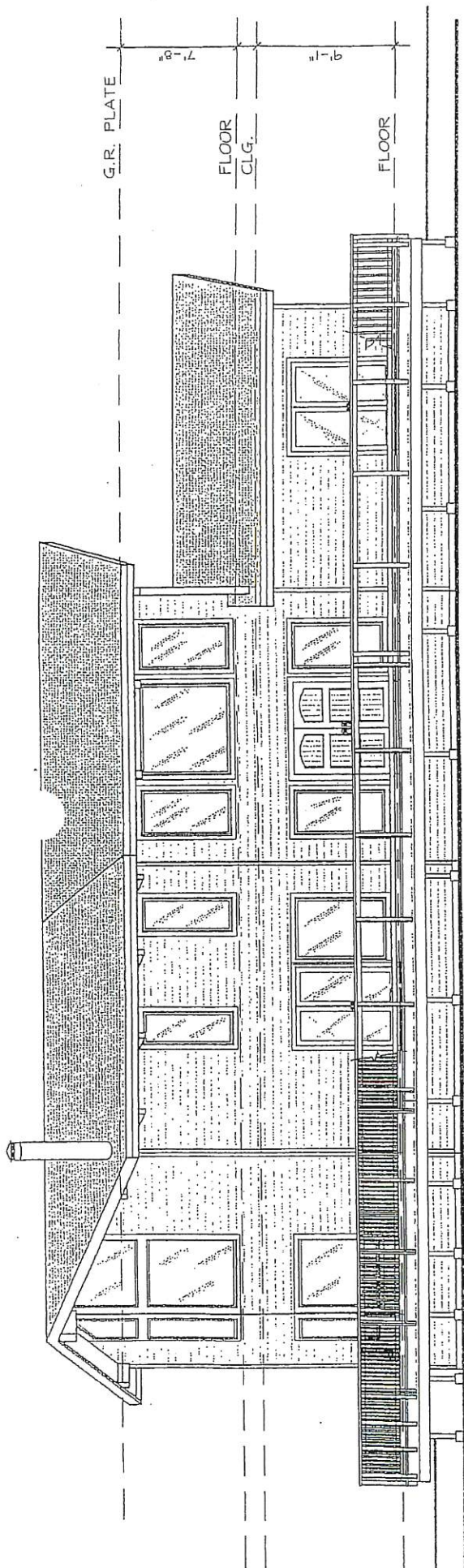
Exhibit B
Page 20 of 29 Pages



NORTH ELEVATION

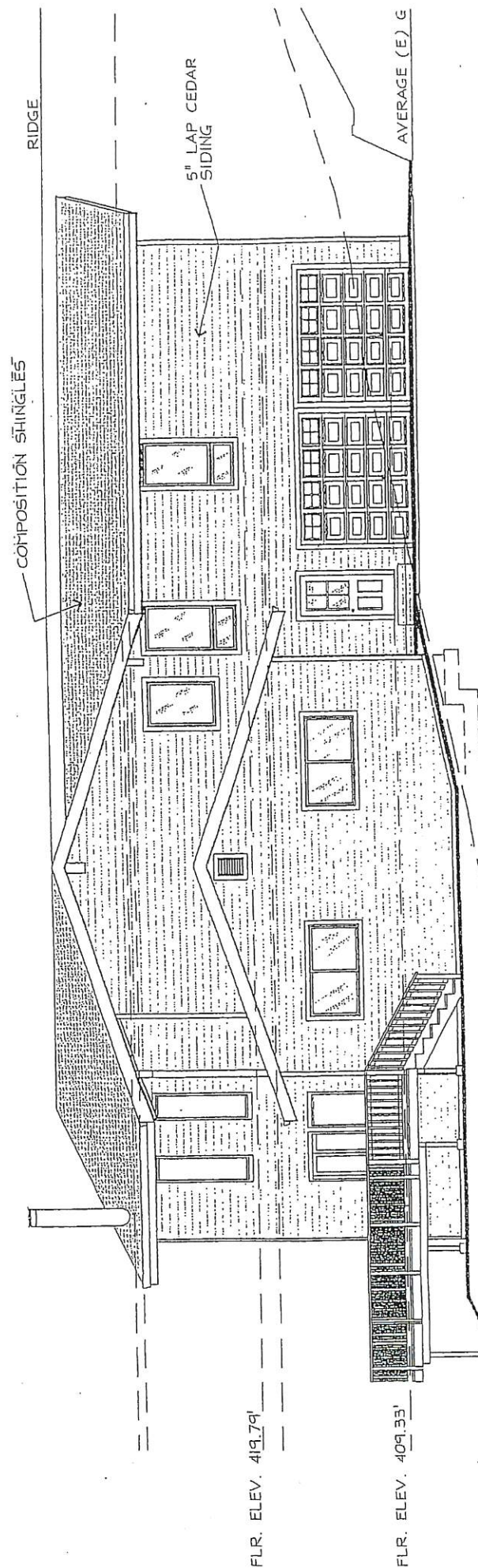
ELEVATIONS

SCALE 1/8" = 1'-0"

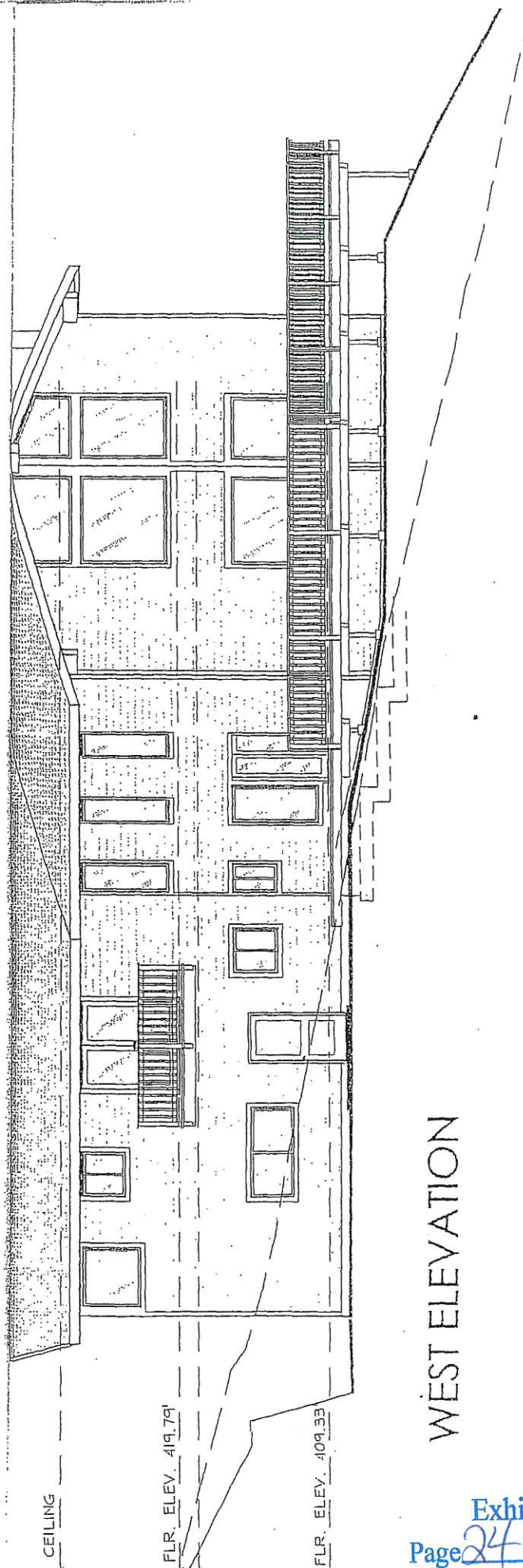


SOUTH ELEVATION

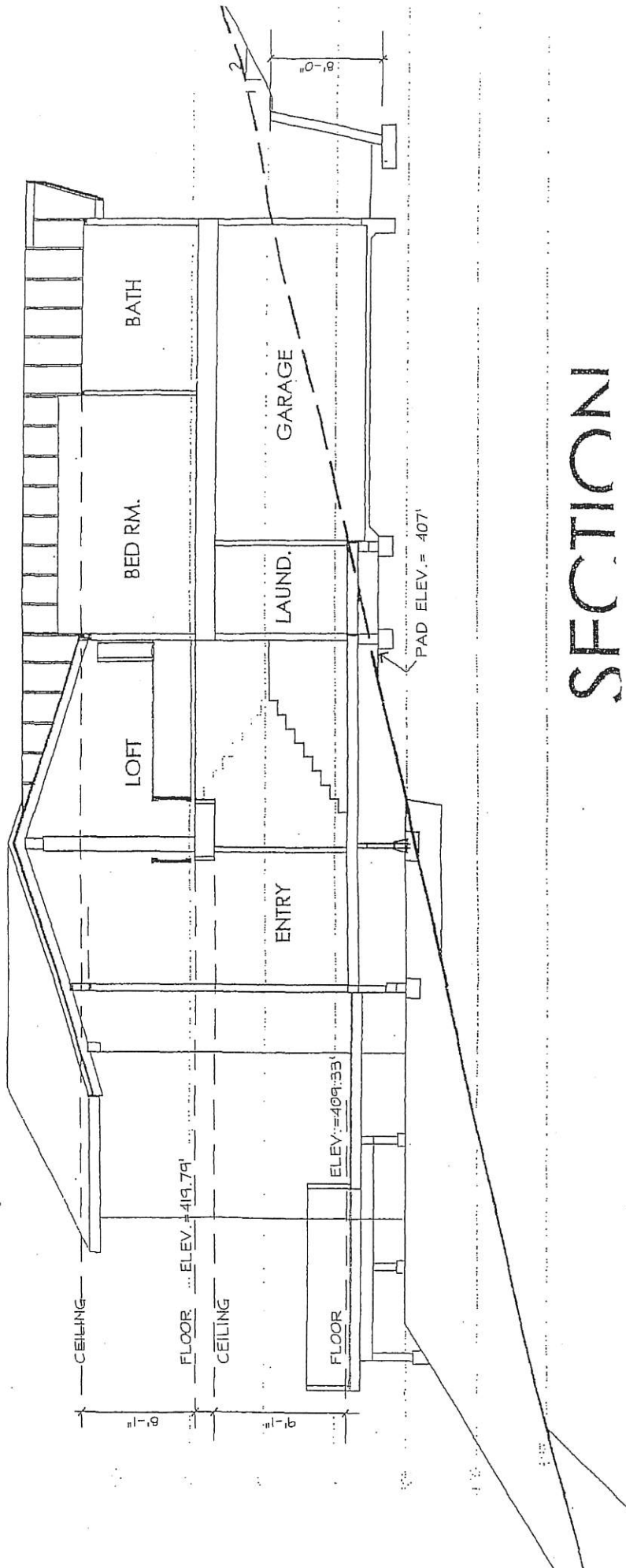
ARCHITECTURAL COANS



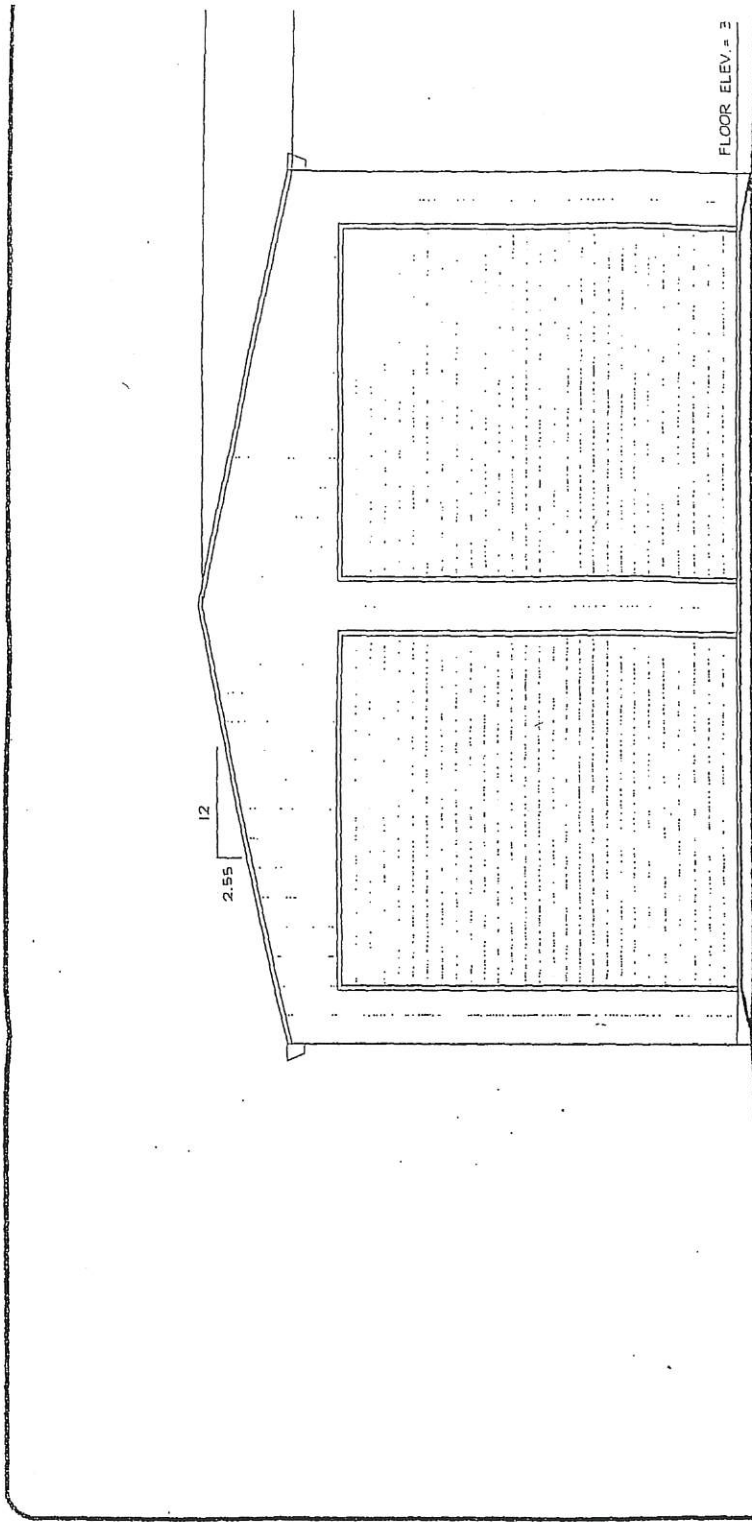
EAST ELEVATION



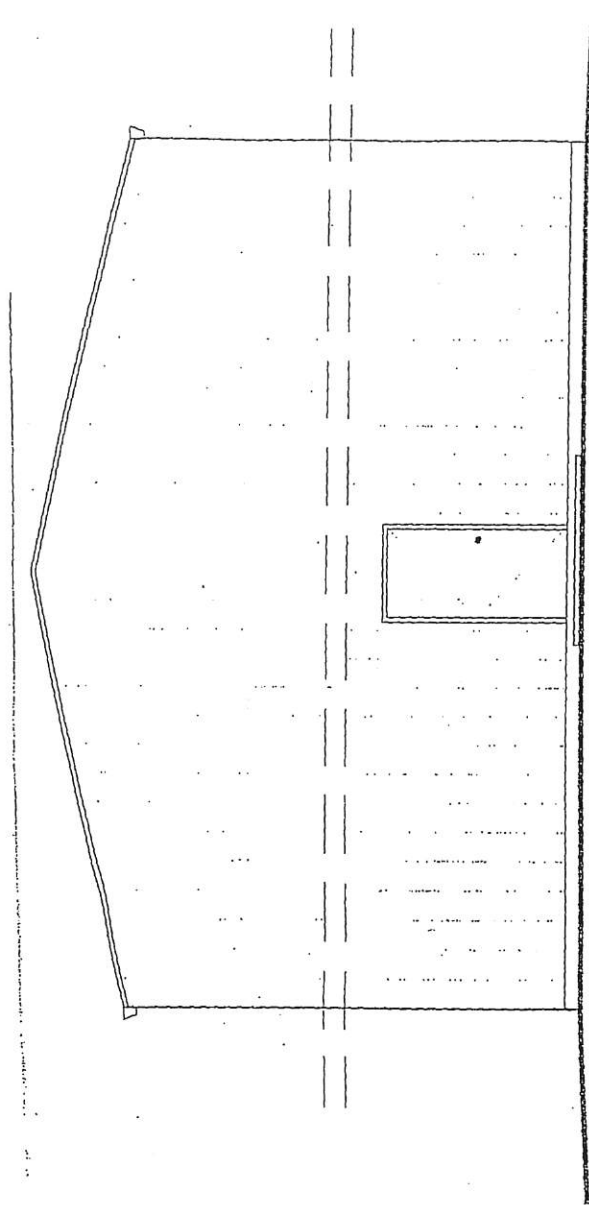
WEST ELEVATION



SECTION

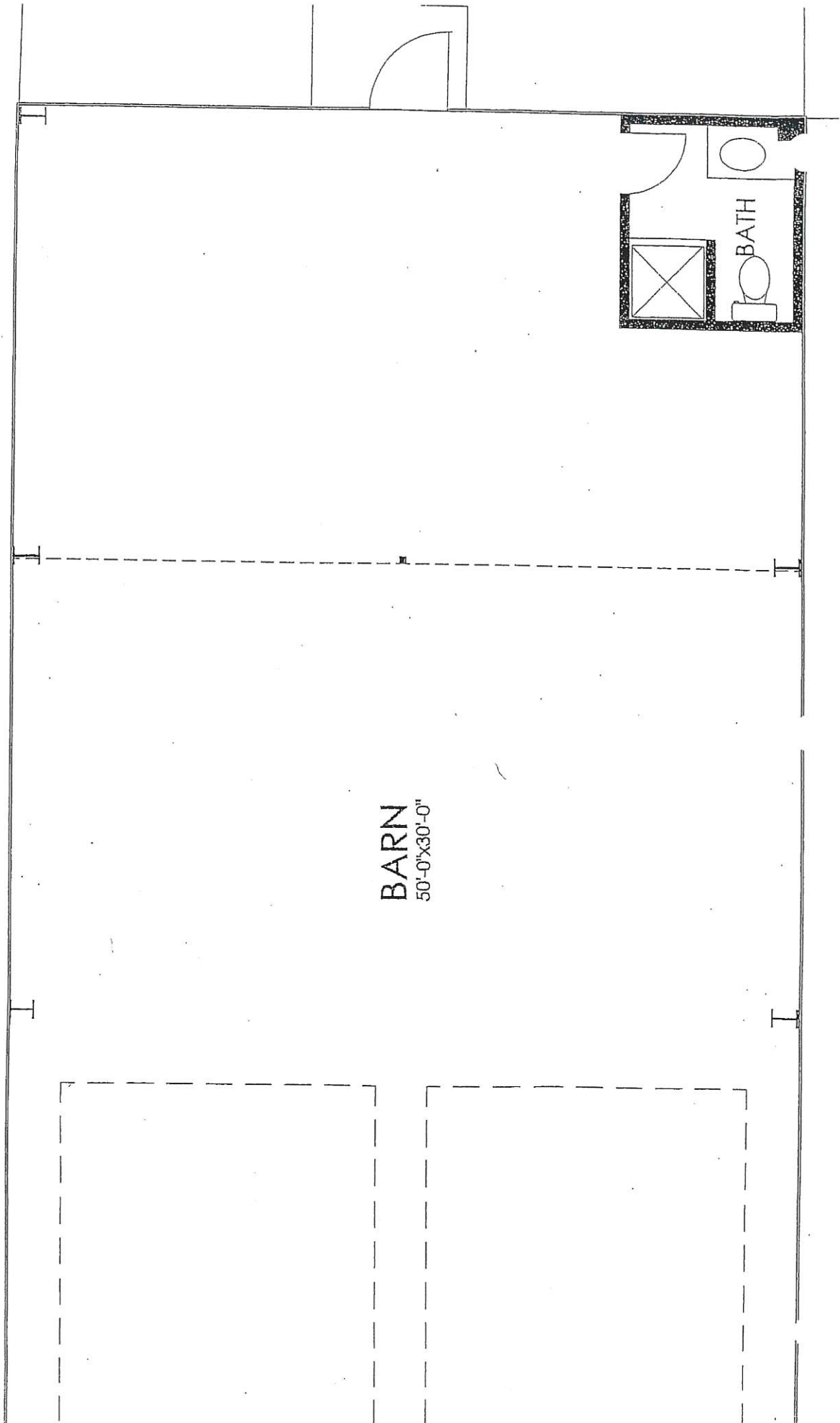


FRONT ELEVATION
SCALE 1/4"=1'-0"



BACK ELEVATION

SCALE 1/4"=1'-0"





EXHIBIT

**CONSERVATION AND SCENIC EASEMENT
for
6.638 Ac. Parcel, Volume 21 of Surveys, at Page 8
Monterey County Records
A.P.N. 129-151-055**

Certain real property, situate in Monterey County, California, particularly described as follows:

An easement for conservation and scenic purposes, said easement being more particularly described as follows:

BEGINNING at a ½" iron pipe, stamped L.S. 3376, said point being the southwesterly corner of that certain 6.638 Ac. Parcel, as said Parcel is shown and so designated on that certain map entitled "Record of Survey of Those Parcels Described in Grant Deed in Reel 3199 Official Records at Page 325, ...etc", filed for record on the 12th day of May, 1997 in Volume 21 of Surveys at Page 8, records of Monterey County, California; thence running along the westerly boundary thereof N 09° 50' 39" E, 633.25 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said westerly boundary and running:

- 1) N 09° 50' 39" E, 148.10 feet to the northwesterly corner of said Parcel; thence leaving said westerly boundary and running along the northerly boundary thereof
- 2) N 76° 07' 26" E, 227.14 feet to an angle point on said northerly boundary; thence continuing along said northerly boundary
- 3) S 78° 44' 32" E, 137.13 feet to the northeasterly corner of said Parcel; thence leaving said northerly boundary and running along the easterly boundary thereof
- 4) S 10° 12' 23" W, 132.20 feet; thence leaving said easterly boundary and running
- 5) N 80° 03' 04" W, 139.69 feet; thence
- 6) S 72° 51' 22" W, 229.50 feet to the **TRUE POINT OF BEGINNING**

Said Conservation and Scenic Easement containing 47,573.170 square feet or 1.092 acres, more or less.

END OF DESCRIPTION

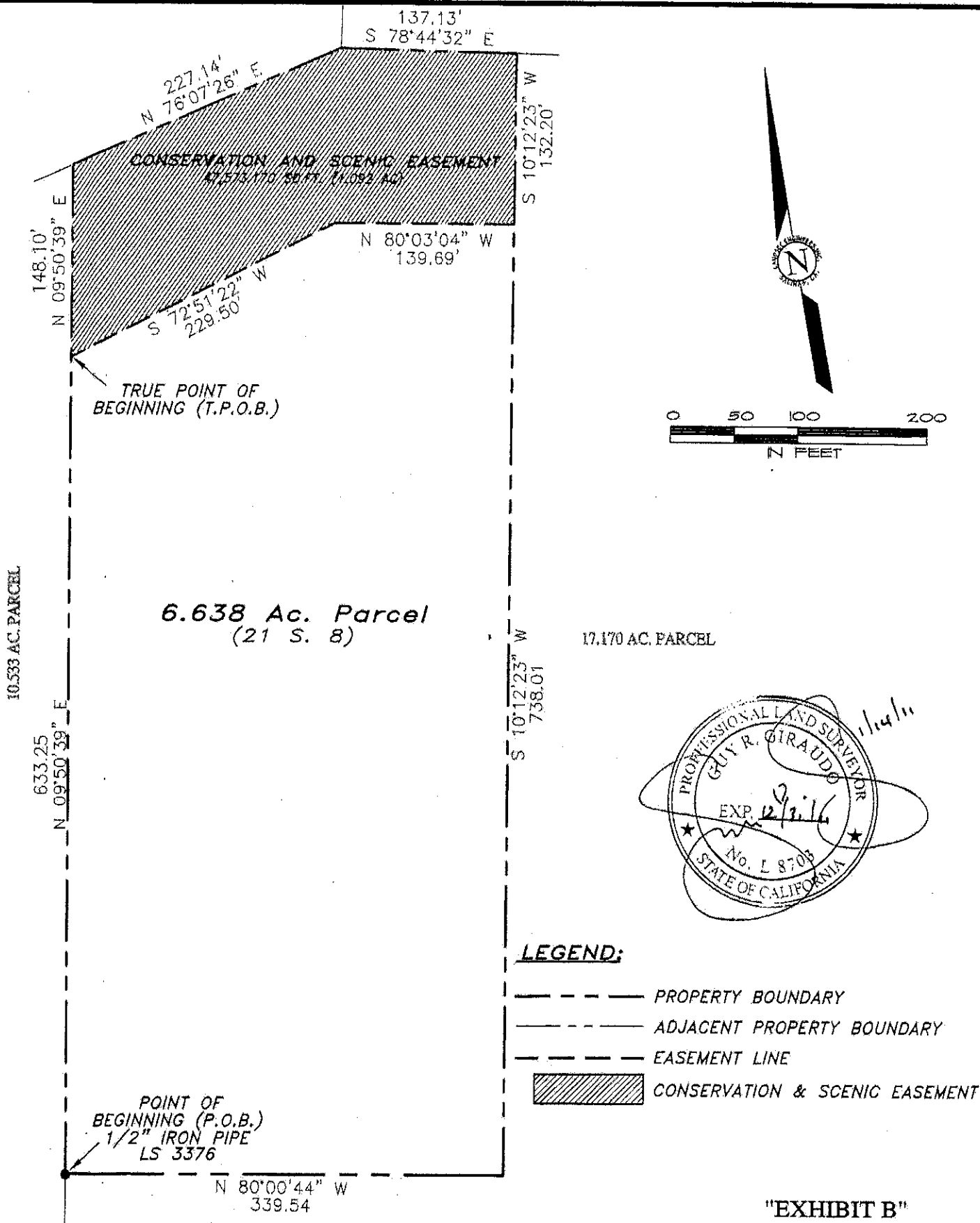
All is shown on the **Easement Plat - Exhibit** attached hereto and by this reference being a part hereof

This real property description has been prepared by Me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature _____

Date _____





JANUARY 2011
LANDSET
ENGINEERS, INC.

520B CRAZY HORSE CANYON RD., SALINAS, CA 93907
PH (831) 443-6970 FAX(831) 443-3801

EASEMENT PLAT
CONSERVATION & SCENIC EASEMENT
6.638 AC. PARCEL, VOL. 21-SURV.-PG. 8

A.P.N. 129-151-055
MONTEREY COUNTY, CALIFORNIA

SCALE: 1"=100'
DATE: 01/11/11
PROJECT: 620-11-01