

## EXHIBIT C

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

Resolution No. 95-384 -- )  
Resolution by the Monterey County Board of Supervisors )  
to: 1) Adopt the Negative Declaration for the Eastwood )  
Trust/Odello et al., Combined Development Permit )  
(PC-95065); 2) confirm the Preliminary Preview Map )  
score granted by the Carmel Valley Citizens' )  
Subdivision Evaluation Committee; 3) Allocate nine )  
(9) additional residential lots to the Cañada Woods )  
Subdivision; 4) Adopt the Rezoning Ordinance subject )  
to the following findings and evidence to reclassify )  
APN 169011017000 and 169011011000 located on the 397.2 )  
Acre parcel from "LDR/B-6-D-S" (Low Density )  
Residential) to "LDR/2.5-D-S" (Low Density Residential )  
2.5 acres/unit) and "RDR/B-6-D-S" (Rural Density )  
Residential, 10 acres/unit); 5) adopt the following )  
findings, evidence and conditions for approval of the )  
Eastwood Trust/Odello et al., Combined Development )  
Permit (PC-95065) consisting of: a) Preliminary )  
Project Review Map/Vesting Tentative Map for a )  
standard subdivision to allow the division of 397.2 )  
acres (i.e., APN 169011011000 and 169011017000) into )  
20 residential parcels ranging from 8.2 to 24.7 acres )  
in size and 4 lettered lots devoted to open space; )  
b) an amendment to the approved Cañada Woods Vesting )  
Tentative Subdivision Map (PC-93142) to add 397.2 )  
acres (APN 169011011000 & 169011017000) located )  
adjacent to and easterly of the approved Cañada Woods )  
Subdivision; deletion of 10 residential lots from the )  
approved Cañada Woods Subdivision and relocation of )  
the 10 lots to the adjacent 397.2 acre parcel, and the )  
addition of 1 parcel for private recreational use and )  
1 parcel for subdivision maintenance facilities; )  
c) modification of certain conditions of approval for )  
the approved Cañada Woods Vesting Tentative Map )  
contained in Board Resolution No. 94-108 to include )  
the 20 residential lots proposed on the 397.2 acre )  
parcel; d) an amendment to the approved Coast Ranch )  
Vesting Tentative Map and Conditions (PC-6847) and a )  
Coastal Development Permit to delete 9 residential )  
lots and relocate the 9 residential lots to the 397.2 )  
acre parcel; e) an amendment to the scenic easement on )  
the 397.2 acre parcel to exclude development envelopes )  
roadways, and utilities as shown on the proposed )  
Vesting Tentative Map/Preliminary Project Review Map; )  
f) Use Permit for a waiver of the policy prohibiting )  
development on slopes in excess of 30 percent; )  
g) an Administrative Permit to allow 45,000 cubic )  
yards of grading; and h) a Use Permit to allow the )  
removal of 221 Coast Live Oak trees; and i) a request )



for pregrading authorization, for the Eastwood Trust )  
(Cañada Woods) and Odello et al., (Coast Ranch) )  
Combined Development Permit, fronting on State )  
Highway 1 and Carmel Valley Road in the lower Carmel )  
Valley and Carmel (coastal) areas.....)

The Board of Supervisors of Monterey County resolves as follows:

Section 1. The Board of Supervisors finds:

I. FINDINGS FOR ADOPTION OF THE EXPANDED INITIAL STUDY FOR THE  
EASTERN 397.2 ACRE PORTION OF THE CAÑADA WOODS PRELIMINARY  
PROJECT REVIEW MAP AND VESTING TENTATIVE MAP

1. Finding: On June 21, 1995, Cañada Woods (i.e., the Applicant) filed an application for a Preliminary Project Review Map (PPRM) and Vesting Tentative Map to include an additional 397.2 acres to the approved Cañada Woods Vesting Tentative Map. The 397.2 acre parcel will be subdivided into 20 separate residential parcels, wherein 10 of the residential parcels will be relocated from the approved residential portion of the Cañada Woods Vesting Tentative Map to the 397.2 acres and 9 residential lots will be relocated from the approved Coast Ranch Vesting Tentative Map.

Evidence: Preliminary Project Review Map/Vesting Map; Materials contained in File PC-95065; Public Testimony; Administrative Record.

2. Finding: An Initial Study was prepared for the "above mentioned project and recommendations from responsible and trustee agencies were solicited from the Monterey County Planning and Building Inspection Department as to whether an EIR or a Negative Declaration would be proper.

Evidence: Materials contained in Planning and Building Inspection Department File PC-95065; Public Testimony; Administrative Record.

3. Finding: An Expanded Initial Study was prepared for the Preliminary Project Review Map/Vesting Tentative Map on the 397.2 acre parcel proposed to be added to the approved Vesting Tentative Map for the Cañada Woods project. The conclusions stated in the Expanded Initial Study draw upon the technical studies prepared for the site, previous EIR's prepared for other projects on the site, the final certified EIR for the Cañada Woods Subdivision,

- adopted mitigations and conditions of approval for the Cañada Woods Subdivision and the certified Coast Ranch Subdivision final EIR.
- Evidence: Expanded Initial Study contained in Planning and Building Inspection Department file PC-95065; Public Testimony; Administrative Record.
4. Finding: The Initial Study supports the conclusion that a Negative Declaration should be prepared for the proposed project.
- Evidence: Planning and Building Inspection Department File No. PC-95065; Technical reports prepared for the project contained in Planning and Building Inspection Department files; Preliminary Project Review Map/Vesting Tentative Map/Amended Vesting Tentative Map; and Expanded Initial Study prepared by Denise Duffy & Associates on June 16, 1995 provide evidence that the project as conditioned does not have the potential to create a significant environmental impact.
5. Finding: The Monterey County Planning and Building Inspection Department has provided public notice of its intention to adopt a Negative Declaration for the project and has provided an opportunity to review the supporting Expanded Initial Study and any other documents. Said notice was posted within 24 hours of receipt in the Monterey County Clerk's Office and remained posted for a period of 30 days.
- Evidence: As shown in Planning and Building Inspection Department File PC-95065, the above mentioned notice was provided to property owners within 300 feet of the subject property, posted on site in conspicuous locations, and published in the newspaper of largest circulation from among the newspapers of general circulation in the Carmel-Monterey Peninsula area.
6. Finding: The Carmel Valley Citizens Subdivision Evaluation Committee/Advisory Committee, Monterey County Subdivision Committee, and the Monterey County Planning Commission considered the proposed Negative Declaration before making its recommendation to the Monterey County Board of Supervisors.
- Evidence: Monterey County Planning and Building Inspection Department provided the above mentioned recommending agencies with the Initial Study and proposed Negative Declaration, along with the



application materials prior to the scheduled public hearings; materials contained in Planning and Building Inspection File PC-95065; Administrative Record.

7. Finding: A final EIR for the approved Cañada Woods Vesting Tentative Map was certified by the Monterey County Board of Supervisors on March 15, 1994.

Evidence: Monterey County Board of Supervisors Resolution contained in Monterey County Planning and Building Inspection Department File PC-93142.

8. Finding: The Negative Declaration for the proposed project has been completed in compliance with CEQA and provides evidence that the project, as proposed and conditioned, will avoid potentially significant effects to a point where clearly no significant effects would occur.

Evidence: Expanded Initial Study prepared by Denise Duffy & Associates on June 16, 1995; plans and material contained in Planning and Building Inspection Department File PC-95065; and Administrative Record.

II. FINDINGS AND EVIDENCE FOR APPROVAL OF THE AMENDMENT TO THE APPROVED CAÑADA WOODS VESTING TENTATIVE MAP AND APPROVAL OF THE PRELIMINARY PROJECT REVIEW MAP AND THE VESTING TENTATIVE MAP FOR THE 397.2 ACRE PARCEL INCLUDING AN ALLOCATION OF AN ADDITIONAL 9 LOTS

9. Finding: The 397.2 acre parcel will receive: 10 of the residential lots from the residential lots on the approved Cañada Woods Vesting Tentative Map, and 9 of the residential lots from the approved Coast Ranch Vesting Tentative Map, for a total of 20 residential lots on 397.2 acres including the existing legal lot of record.

Evidence: Preliminary Project Review Map/Vesting Tentative Map contained in the Monterey County Planning and Building Inspection file PC-95065; Public Testimony; Administrative Record.

10. Finding: The applicant proposed to reduce the amount of residential lots on the approved Cañada Woods Vesting Tentative Map and replace two of the numbered residential lots with lettered parcels for: 1) maintenance facilities; and 2) recreation facilities.

Evidence: As shown on the Preliminary Project Review Map/Tentative Map residential Parcels 1, 5, 9, 12, 15, 20, 26, 34, 41, and 44 are proposed to be deleted. Parcels 41 and 34 will be replaced with Parcels N



(maintenance facility parcel) and Parcel O (recreation facility parcel); plans and materials contained in Planning and Building Inspection file No. PC-95065; Public Testimony; Administrative Record.

11. Finding: No lots, units or building sites will be added to the Tentative Map.  
Evidence: As indicated in the above finding, 10 residential numbered lots will be deleted and 2 lettered parcels will replace 2 numbered residential lots with a maintenance facility parcel and a recreational facility parcel; plans and materials contained in Planning and Building Inspection Department File PC-95065; Public Testimony; Administrative Record.
12. Finding: The changes are consistent with both the intent and spirit of the original Vesting Tentative Map approval.  
Evidence: The resulting amendment will reduce the density on the 500 acre portion of the property north of Carmel Valley Road; Preliminary Project Review Map/Tentative Map; plans and materials contained in Planning and Building Inspection Department File PC-95695; Public Testimony; Administrative Record.
13. Finding: There are no resulting violations which affect Monterey County Codes.  
Evidence: The appropriate Monterey County Agencies have reviewed the amended map for compliance with the Monterey County Codes and have concluded that the proposed amendments do not violate any of the codes.
14. Finding: There will be no new significant adverse environmental effect from the change.  
Evidence: Expanded Initial Study contained in Planning and Building Inspection Department File No. PC-95065.
15. Finding: The Amendment to the approved Cañada Woods Vesting Tentative Map and approval of the Preliminary Project Review Map/Vesting Tentative Map for the 397.2 acre parcel are consistent with applicable policies of the Carmel Valley Master Plan including the following: 1.1.3; 1.1.4; 2.3.2.1; 2.3.3; 3.1.1.1; 3.1.1.2; 3.1.1.3; 3.1.5; 3.1.6; 3.1.7; 3.1.8; 3.1.9; 3.1.10; 3.1.11; 3.1.13; 3.1.14; 3.1.15; 3.2.3.1; 4.2.2; 4.2.3; 4.2.4; 4.2.5; 6.1.3; 6.1.4; 6.1.5; 7.1.1.1; 7.1.1.2; 7.1.3; 7.1.6; 7.2.1.1; 7.2-1.2; 7.2.1.3; 7.2.2.1; 7.2.2.2; 7.2.2.3; 7.2-2.4; 7.2.2.5; 7.2.2.6; 9.1.2.2;



11.11.1; 12.1.6.1; 12.1.7.1; 12.1.8.1; 12.1.10.1;  
 15.1.16; 15.1-17; 16.2.2.1; 16.2.3.1; 16.2.13;  
 17.3.1.1; 17.4-1.1; 17-4.1.2; 17.4.13; 17.4.14;  
 17.4.15; 17-4.16; 21.13.6; 21.3.7; 21.3.9;  
 22.2.1.1; 22.2.4.1; 26.1.9.1; 26.1.10; 26.1.21;  
 26.1.23; 26.1.24; 26.1.25; 26.1.26; 26.1.28;  
 26.1.29; 26.1.31; 26-1.32; 26.1.33; 26.1-34;  
 27.3.5; 27.3.6; 27.3.10; 28.1.6; 28.1.7; 28.1.8;  
 28.1.9; 28-1.10; 28.1.11; 28.1.12; 28.1.15;  
 28.1.17; 28.1.18; 28.1.19; 28.1.20(A); 28.1.20(B);  
 31.1.3; 31.1.3.1; 31.1.4; 34.1.1.1; 34.1.1.2;  
 34.1.1.3; 35.1.3; 37.4.1; 37.4.2; 38.1.4.1; 39-1.6;  
 39.1.7; 39.2.2.1; 39.2.2.2; 39.2.2.3; 39-2.5.1;  
 39.2.5.2; 39.2.6.1; 39.2.7; 39.2.8; 39.3.1.1(A);  
 39.3.1.3; 39.3.2.1; 39.3.3; 40.2.1.1; 40.2.1.2;  
 40.2.1.3; 40.2.1.4; 41.1.2.1; 51.2.11; 51.2-13;  
 53.1.6; 54-1.5; 54.1.6; 54.1.7; 54.1.8; 54-1.11;  
 56.2.3; and 56.2.4. The EIR prepared for the  
 approved portion of the Cañada Woods project and  
 the Expanded Initial Study and Negative Declaration  
 prepared for the 397.2 acre parcel states that all  
 potentially significant impacts can be mitigated to  
 acceptable levels. The following evidence also  
 identifies the mitigation measures included in the  
 EIR which are incorporated as conditions of  
 approval to eliminate the potentially significant  
 effects of the project.

Evidence: The following is an analysis of the project's  
 consistency with policies of the Carmel Valley  
 Master Plan:

1.1.3 (Open Space): Preliminary Project Review Map  
 (PPRM/Vesting Tentative Map). Compliance is stated  
 in EIR on P. 132 and the Expanded Initial Study  
 ("EIS") prepared by Denise Duffy and Associates  
 ("DD&A") on P. 9-10 for the 397.2 acre parcel.

1.1.4 (Open Space Dedication): 17 of the proposed 54  
 residential lots north of Carmel Valley Road are  
 clustered; the remaining 37 lots are not. The  
 clustered lots range from 3.3 to 24.7 acres in  
 size. Approximately 37% of the 947.3 acres will be  
 retained in common open space in perpetuity. This  
 figure includes the proposed common open space  
 lands on the north side of Carmel Valley Road, to  
 be dedicated to the Homeowner's Association, and  
 the 39 acres to be retained in open space and  
 agricultural production south of Carmel Valley Road  
 which will be placed in an agricultural  
 conservation easement. In addition, private open  
 space areas outside of the development envelopes on  
 the 54-lot residential subdivision will be placed



in scenic easement. The private open space or scenic easement areas total 431.8 acres or 46% of the total project. The total percentage of the project proposed to remain in open space is 86.4%.

- 2.3.2.1 (Mineral Extraction): The two small non-commercial quarry sites yield "Carmel Stone" for the personal use of the property owner. The mining activities have been confined to less than one acre and do not come under the jurisdiction of the State Mining and Reclamation Act (SMARA). In addition, the quarries do not exceed the 1,000 cubic yard total excavation requirements for a SMARA reclamation plan.
- 2.3.3 (Quarries): No new mines or quarries are proposed. The existing quarries are not visible from offsite, are removed from proposed project improvements and, according to the geotechnical investigation of the site by Wahler & Associates, are geologically stable. No regrading of the quarry site is proposed by the applicant. There is existing access to the quarries, which are for the personal use of the property owner only.
- 3.1.1.1 (Soils Report): A soils report is part of subdivision submittal and is addressed in the Geotechnical Study prepared by Wahler Associates (January 1991), the EIR (P.35) and the "EIS" on PP. 38-41 prepared by "DD&A" for the 397.2 acre parcel. Terratech prepared a Soils Report (June, 1995) for the 397.2 acre parcel.
- 3.1.1.2 (Erosion Control Plan): A preliminary erosion control plan has been prepared for this project by Whitson Engineers (see Appendix C of the EIR). An additional Erosion Control Plan addressing the 397.2 acre parcel was prepared by Whitson (June 1995). Improvements on individual lots may require additional Erosion Control Measures as part of individual lot grading. All lots shall adhere to the Standards set forth by the Original Erosion Control Plan. In addition, erosion control is addressed in the EIR (PP.F-30, F-31, 32-36) and the "EIS" on PP. 44-45 prepared by "DD&A" for the 397.2 acre parcel.
- 3.1.1.3 (Cover Exposed Areas): An Erosion Control Plan has been submitted and approved by the County. In addition, Mitigation Measure No. 10 on Page 36 of the EIR ensures compliance with Policy 3.1.1.3. This Mitigation is incorporated as recommended in Condition Nos. 17, 18, 115, 116 and 122.
- 3.1.5 (Land clearing limited): Future permits for development of each lot will be processed individually and will be



subject to the County regulations.

- 3.1.6 (Site Control): The applicant has proposed development envelopes on all of the 54 residential lots. The development envelopes have been selected to minimize, among other things, grading and erosion. See also the discussion on PP. 32-36 of the EIR and the "EIS" prepared by "DD&A" for the 397.2 acre parcel. Zoning Regulations in Carmel Valley also require site plan review prior to issuance of any building permits.
- 3.1.7 (Development shall be carefully sited with slope hazards in mind): Yes, as shown on PPRM/Vesting Tentative Map. See 3.1.6 above. Development envelopes have been sited to avoid steep slopes. Geologic Reports prepared for the site project indicate that the site is suitable. See also discussion for Policy 3.1.6 above. Conditions of Permit Approval Nos. 8, 9, 18, 115, and 116 require implementation of erosion control measures during and after construction.
- 3.1.8 (Maintain native cover): Yes, as shown on the PPRM/Vesting Tentative Map. Portions of the site to the north of Carmel Valley Road include soils identified as Santa Lucia shaly clay loam (SfF) and Santa Lucia-Reliz Association (Sg). Since these soils are generally found on 30-75% slopes and development is not proposed on these steep slopes, as shown on the PPRM/Vesting Tentative Map, native vegetative cover will not be impacted. Also development envelopes have been sited in areas where vegetation removal will be minimized.
- 3.1.9 (Ongoing Erosion Control): Condition of Approval Nos. 17, 18, 115 and 116 ensure compliance with this policy.
- 3.1.10 (County drainage fee): This policy is not applicable at this time. N/A because no fee currently exists. However, Condition No. 25 requires the applicant to design and construct facilities in Cañada de la Segunda, and under Carmel Valley Road all the way to the Carmel River in accordance with the Lower Carmel Valley Master Plan for Drainage.
- 3.1.11 (On-site retention basins): The proposed project drainage improvements consist of a system of detention ponds and drainage channels. See Preliminary Drainage Report prepared for the project by Whitson Engineers, as well as discussion in EIR on PP. 37-47, Mitigation 12-19 in EIR, and the "EIS" on PP. 46-49 prepared by "DD&A" for the 397.2 acre parcel which are incorporated as Condition Nos. 23-30. During the 1995 Floods, the applicant cooperated within the MPWMD and other County Agencies by



designing and constructing a stormwater detention basin adjacent to the Carmel River to prevent potential bank erosion.

- 3.1.13 (Stream stabilization & detention basins): Detention or retention basins are proposed. See Preliminary Drainage Report prepared by Whitson Engineers and discussion in EIR on PP. 37-47 and the "EIS" on PP. 46-49 prepared by "DD&A" for the 397.2 acre parcel. Also see discussion at 3.1.11 above and Conditions 24-30.
- 3.1.14 (Pollutant run-off from commercial areas): In order to mitigate adverse water quality impacts that could be generated by the proposed project, containment structures or other measures are required as a Condition of Approval (No. 120). These measures may also include vegetated buffer strips and grease/oil traps (with regular maintenance programs).
- 3.1.15 (Erosion control plan): A Preliminary Erosion Control Plan has been prepared for this project by Whitson Engineers (see Appendix C of EIR) and the erosion control plan prepared for the 397.2 acre parcel contained in the Monterey County Planning and Building Inspection Department files. Soils on site, erosion control, and suggested Mitigation Measures are also discussed in the EIR on PP. 32-36. A more detailed Erosion Control Plan, which incorporates the suggested mitigations is required as Condition of Approval No. 18.
- 3.2.3.1 (Livestock Management Plan): Livestock is not proposed.
- 4.2.2 (Row crops & orchards): Per the PPRM/Vesting Tentative Map. The applicant proposes to retain 39 of the 50<sup>+</sup> acres south of Carmel Valley Road in agricultural production, specifically row crops, and open space. The area is presently used for agricultural purposes and is located on a basically flat site.
- 4.2.3 (Croplands & orchards): The applicant proposes to retain 39 acres in agricultural production (croplands) and open space. A mix of commercial uses and 15 employee housing units are proposed on the remaining 11 acres which are designated for a commercial use. No structural development is proposed for the area in agricultural production and, as a result, views from Carmel Valley Road to the river remain unobstructed and the visual quality of the open space would not be diminished.
- 4.2.4 (Development next to agricultural lands shall minimize adverse effects on agricultural lands): The residential development to the north of Carmel Valley Road is



directed to lands away from and above the farmed Valley floor. Condition No.3 requires 39 acres (Parcels A1 and A2) to be placed in an Agricultural Conservation Easement thereby creating Agricultural/Open Space in perpetuity which will allow up to 36 acres of agricultural production. The C.V.M.P presently allows for commercial uses on the remainder of the site. A 60-foot wide road right-of-way and a 120 foot drainage easement would provide a buffer between the two land uses.

- 4.2.5 (Community Gardens): There are no community gardens or orchards proposed. Condition No. 3 requires 39 acres (Parcels A1 and A2) to be placed in an Agricultural Conservation Easement thereby creating Agricultural/Open Space in perpetuity which will allow up to 36 acres of agricultural production. While the agricultural use is not technically a community garden or orchard, it is consistent with the intent of the policy which is to preserve the rural and visual qualities of Carmel Valley.
- 6.1.3 (Beneficial uses of Carmel River Watershed): The preservation of watershed is enhanced by dedication of 39 acres in open space and agricultural conservation; a maximum of 16 acres are proposed for easements and dedications which also include the riparian area. Up to 36 acres will be retained in agricultural production. An easement for a public riding and hiking trail is also proposed for dedication adjacent to the Carmel River which will benefit the general public said Easement is also required by Condition No. 93. The closest building will be setback over 750 feet from the edge of the identified 100-year flood (see EIR).
- 6.1.4 (Pumping from river): Four agricultural wells exist on the southern property. Pumping from the four wells will service the project and will achieve an overall reduction of 10% in water use. No new or additional pumping is proposed. Wells exists as irrigation wells for the property north of Carmel Valley Road. The State Water Resources Board has stated that these wells not draw from the Carmel River aquifer.
- 6.1.5 (Water reclamation): The applicant proposes a wastewater reclamation system. Wastewater generated from the 54 lot residential subdivision would be treated for use for crop irrigation and landscaping. The use of the reclaimed wastewater would reduce project water consumption at the site.
- 7.1.1.1 (Protect biologically significant areas as open space): The riparian area adjacent to Carmel River is proposed to be preserved as open space. On Page 59 of the EIR it is



stated that "the amount of on-site habitat that will be impacted by the project is not considered significant given the fact that most of the site will be preserved and wildlife use continued." (P. 59, EIR) In addition, the EIR concludes that "large contiguous expanses of open space throughout the proposed subdivision and between development envelopes will allow for continued wildlife movement through the site." (P. 58, EIR) Studies completed for the project and compliance with this policy are discussed in the EIR (PP. 48-63). A few of the development envelopes were relocated at the Tentative Map stage. A supplemental botanical survey was conducted for the revised development areas by Biosystems which concluded that the "new development envelopes... will not result in a substantial difference from the previous lot proposal" (P.4, Supplemental Environmental Analysis contained in File PC-93142). A site specific Biologic Survey was prepared by Habitat Restoration Group for the 397.2 acre parcel and is incorporated into the "EIS" prepared by "DD&A" (June 1995): Said report does not differ in its conclusions from the above mentioned reports.

- 7.1.1.2 (Rare and endangered species): No rare and endangered species located in developing area (EIR PP. 48-63). However, ultimate construction on and adjacent to proposed Lots #16 and 17 may result in loss of some dune buckwheat plants, host plant for the federally endangered Smith's Blue Butterfly. However, no Smith's Blue Butterflies have been identified on the site and two studies have been prepared by Thomas Reid Associates concluding that the presence of the butterfly on the site is highly improbable.
- 7.1.3 (Development to protect riparian vegetation): See PPRM/Vesting Tentative Map and EIR. Riparian vegetation adjacent to the Carmel River will be preserved and are not proposed for development. The closest structure will be 750 feet from the edge of the identified 100-year floodplain.
- 7.1.4 (Protect riverbank): River bed and bank management is not proposed by the applicant.
- 7.1.5 (Riparian corridor monitoring): This policy is not applicable as it applies to the MPWMD.
- 7.1.6 (Motorized vehicles in river): This policy is not applicable. Motorized vehicles are not proposed to be used in the Carmel River.



- 7.2.1.1 (Chaparral community): 37% of project will remain in common open space and agricultural conservation. An additional 431.8 acres of the project will remain in private open space (scenic easement) for a total of 86.4% of the 947.2 acres.
- 7.2.1.2 (Rare and endangered species): Compliance with this policy is stated in EIR (PP.48-63) and the "EIS" on PP.50-51 prepared by "DD&A" for the 397.2 acre parcel. See also Mitigations 20-28 which require, among other things, revegetation of disturbed areas with native plant species; the Mitigations are incorporated as Permit Conditions No. 20, 21, 117 and 119.
- 7.2.1.3 (Screening plant materials): Existing vegetation will aid in screening a large portion of the project. Mitigations 36-38 of the EIR also ensure compliance with this policy; the Mitigations are incorporated as Permit Conditions No. 20, 21, 117 and 119.
- 7.2.2.1 (Biologically appropriate species): Erosion Control species Ordinance requires appropriate species. Landscape plans required for individual homes. Applicant proposes to replace trees removed for subdivision improvements using species grown from seeds collected on the site. Mitigations 20 and 23 which are incorporated as Condition Nos. 14 and 16 also ensure compliance.
- 7.2.2.2 (Use pamphlet "Look of The Monterey Peninsula" when designing landscaped areas): Compliance is required at time of meeting conditions if approved. Mitigation monitoring will be required. Mitigation 21 included as Condition Nos. 20, 21, 117 and 119 also ensures compliance with the policy.
- 7.2.2.3 (Remove weedy species when landscaping). Compliance stated in EIR (PP. 48-63). Additionally, said species shall be eradicated on individual lots at time of landscape plan review per County's current policy (See Conditions No. 20 and 117).
- 7.2.2.4 (Landscape with fire resistant plants): Compliance will occur at the building permit and grading permit stage. Landscape plans for all development in the Subdivision shall be approved by the County. Use of fire-resistant plants for landscaping is standard County policy. (See Condition Nos. 20, 117 and 119).
- 7.2.2.5 (Tree removal permit): 221 Coast Live Oaks and 24 Monterey pines are proposed for removal in conjunction with subdivision improvements. These trees will be replaced at a ratio of 3:1 or as recommended in a Forest



Management Plan. The applicant and County Staff identified the location of the building envelopes on each of the 54 lots. The building envelopes were selected, in part, to ensure that impacts to trees would be minimized. A permit will eventually be required for tree removal on each lot, if the project is approved pursuant to Ordinance No. 3420.

- 7.2.2.6 (Valley oaks in landscaping): No disturbance to vegetation in the floodplain is proposed. Condition of Approval No. 117 requires the use of Valley Oaks in proposed landscaping if appropriate.
- 9.1.2.2 (Open space should include a diversity of habitats): See PPRM/Vesting Tentative Map & EIR (PP. 48-63)
- 11.11.1 (Botanical report): A preliminary literature investigation and field reconnaissance was conducted by BioSystems Analysis, Inc. in May and June of 1989 and supplemented with additional surveys in 1990. Project specific reports were also prepared by BioSystems in January 1991 and September 1993; and by Habitat Restoration Group in June 1995. Forest Management Plans were prepared by Hugh Smith Surveys in January 1991 and June 1995. Surveys for the Smith's Blue Butterfly were conducted by Thomas Reid Associates in July 1989 ; June and July 1990 and June 1995. (See EIR PP. 48-63, responses to comments and the "EIS" on PP.50-51 prepared by "DD&A" for the 397.2 acre parcel). The recommendations of the reports have been incorporated into the design of the project and are required as Conditions 14, 15, and 16.
- 12.1.6.1 (Identify archaeological resources): See EIR PP. 64-65. For a description of the cultural resources surveys completed to date. Also, Mitigations 29 and 30, incorporated as Conditions No. 10 and 11 ensure protection of any significant resources which may be found during construction. Results of site specific surveys concluded that there are no known cultural or archaeological resources on the site. Nonetheless, Conditions Nos. 10 and 11 ensure compliance with this policy.
- 12.1.7.1 (Discovery of archaeological sites): See Mitigations 29 and 30 incorporated as Condition Nos. 10 and 11 for compliance.
- 12.1.8.1 (Archaeological survey required): See EIR PP. 64-65 and the "EIS" on P. 58 prepared by "DD&A" for the 397.2 acre parcel for a list of surveys completed to date.



- 12.1.10.1 (Known historic/archaeological sites): There are no known historic sites on the property. South of Carmel Valley Road there is one previously recorded archaeological site (CA-MNT-950). This was recorded in 1979, but a subsequent reconnaissance failed to find much evidence. At least 5 previous archaeological reconnaissance projects have been conducted within this southern portion of the project area, yet they also have failed to locate any evidence of resources. Mitigation 29 incorporated as Condition No. 11, requires that a monitor be present during all grading activities in this area. If resources are found, work will be halted and appropriate mitigations implemented. (See PP.64-65 of EIR and the "EIS" on P. 58 prepared by "DD&A" for the 397.2 acre parcel.
- 15.1.16 (Competent review by a registered geologist): A Feasibility Level Geotechnical Investigation and a Supplemental Geotechnical Investigation were prepared by Wahler Associates in January 1991 and February 1992. The above geological reports were subject to an independent third party review by Weber and Associates in September 1991. This report is attached as Appendix B to the EIR. A few of the development envelopes were relocated at the tentative map stage. As a result a supplemental assessment was prepared for these changes by Wahler Associates dated September 16, 1993. The study concluded that the new development envelopes are within the area of their previous studies and the same conclusions and recommendations are applicable. Terratech performed similar studies for the 397.2 acre parcel in June, 1995, reaching similar conclusions.
- 15.1.17 (Areas highly susceptible to slope failure shall be placed in open space): Mitigations 3-6 of the EIR require that development envelopes be sited to minimize risks. The remainder of the parcel will be placed in scenic easement (open space) in perpetuity. Recommendations included in the geological investigations are included as mitigations for the project. With the mitigations, the project as proposed is suitable and impacts are not significant (see EIR and the "EIS" on PP. 38-45 prepared by "DD&A" for the 397.2 acre parcel.
- 16.2.2.1 (No development in the river channel): No development is proposed in the river channel.
- 16.2.3.1 (No development within 200 feet of the Carmel River): No development, except for a riding and hiking trail and drainage improvements, is proposed within 750 feet of the Carmel River.



- 16.2.13 (Development fees for downstream drainage): The applicant is constructing drainage improvements from the watershed to the river, implementing the County's Drainage Plan for this area.
- 17.3. 1.1 (Adequate fire access along driveways serving two or more parcels): The proposed project was reviewed by the Mid-Carmel Valley Fire Protection District for compliance with Fire District requirements. In addition, Condition No. 33 is recommended by the Fire Department and ensures compliance.
- 17.4.1.1 (Adequate measures for wildland fires): The Fire District has incorporated Conditions of Approval (Nos. 31-33) that require incorporating adequate Mitigation Measures into the project.
- 17.4.1.2 (Review by fire district): Mitigation 59 (see p. 125 of EIR) and Condition No.31 ensures compliance.
- 17.4.13 (Smoke Detectors): Compliance is required at the building permit stage.
- 17.4.14 (Fire sprinklers): Compliance is required at the building permit stage.
- 17.4.15 (Fire resistant roofing): Compliance is required at the building permit stage.
- 17.4.16 (Trails as firebreaks): The County Parks Department is requiring (see Condition of Approval No. 93) easements for riding and hiking trails. Proposed roads within the subdivision would also provide fire breaks and emergency access. Emergency access exists through Monterra Ranch to the northeast and to the parcels to the southeast.
- 21.3.6 (Siting of septic systems): The applicant has proposed to provide a Tertiary Sewage Treatment/Reclamation Facility therefore, no septic systems are proposed. The holding tanks for the step system for each individual lot will be located within the proposed development envelope and, as a result, would not be located on 30 percent slopes or other unsuitable or unbuildable areas. Due to the proposed sewage treatment/reclamation facility, the project would result in a lower nitrate-nitrogen loading than currently exists or is allowed under the Carmel Valley Wastewater Study. (see Page 117 of EIR and the "EIS" prepared by "DD&A" for the 397.2 acre parcel on P.62).
- 21.3.7 (Conform to recommendation): Compliance is stated in C.V.W.S in EIR (P.117) and the "EIS" on P. 62 prepared by "DD&A" for the 397.2 acre parcel. Condition Nos. 40-50



require a tertiary treatment facility which will provide reclaimed water for irrigation use within the project.

- 21.3.9 (Septic tank locations permanently marked): As a condition of building permit approval.
- 22.2.1.1 (Development in marginal): None of the noise environment residences in the proposed project are to be located within either the existing or forecast noise contours identified as conditionally acceptable. (see EIR PP. 100-101 and the "EIS" on PP.32-33 prepared by "DD&A" for the 397.2 acre parcel).
- 22.2.4.1 (Restrictions on noisy construction equipment): Mitigations 47-48 incorporated as Condition Nos. 59 and 60 ensure compliance.
- 26.1.9.1 (No ridgeline development): The EIR states that project development is not expected to significantly affect or degrade the scenic quality of the area. In addition, the project, with mitigation, will not result in ridgeline development and residential units constructed on slopes will be of limited visibility. (See EIR P.73 and the "EIS" PP. 34-38 prepared by "DD&A" for the 397.2 acre parcel). Mitigation 32 also ensures compliance. It should be noted that development envelopes are proposed on each of the 54 residential lots per PPRM/Vesting Tentative Map. Condition No. 1 requires "VS" zoning over lots that have the potential to be visible from Carmel Valley Road. Condition No. 2 requires 3-dimensional envelopes over 5 lots to ensure that future residential structures do not substantially impact the public viewshed.
- 26.1.10.1 (No 30% slope development): Portions of five of the driveways, a portion of the proposed underground utility easement, a portion of the drainage detention facility, a portion of the storage reservoir site, and parts of the roads would be located on slopes greater than 30% . Since most of the proposed roads follow existing ranch roads, it is necessary to widen or realign them to reduce impacts to meet fire code requirements. Slope permits are also requested to preserve vegetation and minimize tree removal. None of these roads which cross slopes in excess of 30% would be visible from public roads or public viewing areas. All of the proposed development envelopes, except previously approved Lot Number 24, exclude areas of 30% slope or more.
- 26.1.21 (Carmel Valley to remain rural in character): The commercial development compliance is discussed on P. 78 of the EIR. Re: the residential development north of C.V.



Road, the lot sizes and retention of 818.9 of the 947.3 acres in private and common open space are rural in character. According to the EIR and the "EIS" on P. 18 prepared by "DD&A" for the 397.2 acre parcel, this development would "not degrade the rural qualities." (see P. 78).

- 26.1.23 (Open space between developed areas): See PPRM/Vesting Tentative Subdivision Map. The project retains 86.4% of the total area as perpetual open space. See also discussion in 1.1.3 and 1.1.4 above. The proposed commercial development is adjacent to existing commercial developments and the 39 acres of row crops and open space separate the existing residential area from the proposed commercial development.
- 26.1.24 (Minimize hillside scarring): The proposed roads follow the ranch roads where appropriate, and development envelopes have been selected to avoid scarring.
- 26.1.25 (Design/landform change): Per PPRM/Vesting Tentative Map. Subdivision road improvements and building envelopes follow contours, avoid steep slopes and conform to existing topography to the greatest extent possible.
- 26.1.26 (Visual compatibility): Visual Sensitivity ("VS") zoning designations are recommended for lots with the potential to be visible from Carmel Valley Road (see Condition No. 1). Design and siting criteria apply to every lot in Carmel Valley. See also Page 78 of the EIR which states that this development "would not degrade the rural qualities."
- 26.1.27 (No offsite advertising): None proposed.
- 26.1.28 (Structures in grassland): Development Envelopes on the north side of Carmel Valley Road are not located in open grassland. None of the land on the south side of Carmel Valley Road is defined as "Open Grassland". Commercial development to the south is clustered and would be located on 11 acres of a larger 50 acre site and is adjacent to existing commercial development on the Wolter's property and the Valley Hills Shopping Center to the west.
- 26.1.29 (Site and design control): Site and design control regulations apply to all properties in the Carmel Valley Master Plan pursuant to Title 21. These regulations apply to the proposed development.
- 26.1.30 (Public buildings): Commercial development would not be located close enough to the River to provide views.



- 26.1.31 (Materials and colors in buildings compatible with manmade surroundings): Compliance required during the design approval process. Mitigations 35-38 incorporated as Condition Nos. 4 and 108 also ensure compliance (see P. 79 of EIR and the "EIS" on PP. 34-38 prepared by "DD&A" for the 397.2 acre parcel).
- 26.1.32 (Minimize disruption of views): The project has been designed so as not to disrupt the views from existing homes. Regarding the approved commercial development, 1 house to the west on Wolter's property, 3 to 4 homes to the north and approximately 10 homes to the east on Cypress Lane and Prado del Sol would be effected (visually) by the development. However, Page 78 of the EIR concludes that the commercial development would not result in a significant visual impact. The "EIS" on PP. 34-38 prepared by "DD&A" for the 397.2 acre parcel concludes that the residential development proposed on the 397.2 acre parcel will not result in a significant visual impact.
- 26.1.33 (Only uses designated by the Carmel Valley Master Plan): Residential, agricultural and planned commercial uses are consistent with the Carmel Valley Master Plan.
- 26.1.34 (Maximum density by slope or land use, whichever is less): The maximum number of units allowed using the slope density approach is 354. The maximum allowed pursuant to plan densities is 182.1. The applicant proposes a 54 residential lot subdivision plus approved commercial parcels, plus open space, maintenance and recreation parcels.
- 27.3.4 (Full standard subdivision standards required): The applicant has filed an application for a PPRM/Vesting Tentative Map for a standard subdivision and an amendment to the existing Approved Vesting Tentative Map for which full standard subdivision requirements apply.
- 27.3.5 (Quota/allocation limits): At this time this proposal is within allocation and quota limits (37 lots/yr., no more than 25 in any subdivision in one year). On June 15, 1993, the Board of Supervisors adopted Resolution No 93-227 which allocated 44 residential lots for this project. On August 22, 1995, the Board of Supervisors allocated 9 additional lots.
- 27.3.6 (Inclusionary Housing): The project as conditioned complies with the Inclusionary Housing Ordinance (see P.16 of EIR and Conditions No. 99 and 124 and PPRM/Vesting Tentative Map/Amended Vesting Tentative Map).



- 27.3.7 (Large scale visitor-serving uses): This policy is not directly applicable. However, compliance with this policy is indicated in the Final EIR on Page 88 (second to last paragraph) and on Page 16.
- 27.3.10 (Locate development on most appropriate area when 2 or more land use designations apply to the property): Most of the lots are located in the less restrictive designation.
- 28.1.6 (Commercial development not in High Seismic Zone) Compliance is stated in the EIR on P. 136 and in the "EIS" on PP.38-45 prepared by "DD&A" for the 397.2 acre parcel. Condition of Permit Approval No. 8 incorporates the recommendations included in the geological and geotechnical reports. Parcel G, which is also approved for a commercial use, is within Seismic Hazard Zone 2 (Low).
- 28.1.7 (No new commercial zoning): Rezoning to a commercial zoning designation is approved (see Findings 46 and 47 below). The approved commercial zoning designations to the south of Carmel Valley Road are consistent with Policies 28.1.19 and 28.1.20B of the C.V.M.P. The approved commercial zoning on Parcel G to the north of Carmel Valley Road is consistent with the land use designation proposed in the General Plan Amendment. Parcel G is also consistent with Policy 28.1.19 since the proposed use is a service center for the ongoing operation and maintenance of the subdivision. (See Findings No. 43-45 for an analysis of the proposed use on Parcel G).
- 28.1.8 (Design, parking & landscaping requirements): The site is located within a Design zoning designation. The number of parking spaces is specified by Ordinance. Approval of parking layout and landscaping is required as Condition of Approval Nos. 4, 21, 22, 108, 113, 117 and 119. Parking and landscaping for the commercial development, consistent with County Ordinances, are delineated on the General Development Plans (see File PC-93142).
- 28.1.9 (Commercial structures - height & bulk control): The approved general development plan showing the proposed commercial structures are consistent with the height and lot coverage regulations pursuant to Title 21. Site is also located within Design and Site control zoning designations which will ensure compliance.
- 28.1.10 (35 height limit for commercial structures): Also required per Title 21 (Zoning Ordinance); the project is consistent with height restrictions.



- 28.1.11 (Apparatus screened): Compliance will occur during the design review process. Condition of permit approval No. 108 also requires screening of mechanical apparatus.
- 28.1.12 (Landscaping) Condition of Approval Nos. 20, 21, 22, 117, 118 and 119 ensure compliance with this policy. See also conceptual landscape plans contained in File PC-93142.
- 28.1.13 (Signs): No signs are proposed at this time. In the event signage is proposed, design review would be required which would ensure compliance with this policy.
- 28.1.14 (Illuminated Signs): No illuminated or neon signs are proposed. Compliance will be ensured during the design review process & as a Condition of Permit Approval.
- 28.1.15 (Professional offices): Professional offices are proposed. However, this policy is not applicable since the site is not located in the Lower Valley Area (see Carmel Valley Master Plan Land Use Map).
- 28.1.17 (Comprehensive approach to landscaping): Compliance is required pursuant to Conditions No. 20 and 119. See also General Development Plans contained in File PC-93142 which includes a comprehensive conceptual landscape plan for the commercial development.
- 28.1.18 (Valley Hills Shopping Center): The approved depth of Parcel F and 1/2 of Parcel E, both of which are approved for commercial use, would be no further east than the William's farm house. An additional 3 acres of commercial use is approved pursuant to Policy 28.1.20B. The approved service centers are allowed pursuant to Policy 28.1.19.
- 28.1.19 (Provision for Service Center): County has approved a service center to provide services and facilities for people engaged in the construction, maintenance and repair trades as proposed by the applicant. Compliance is stated on P. 136 of the EIR. The approved service center on Parcel G will provide services and facilities for people engaged in the maintenance and operation of this project. Use of Parcel G is restricted only to those uses accessory to the ongoing operation of the subdivision. Condition No. 104 ensures that Parcel G will not be open to the general public.
- 28.1.20A (Rural theme): Compliance stated on P. 136 of the EIR. Design review is required for all new development and exterior changes in the Carmel Valley area.
- 28.1.20B (Additional 3 acres of commercial use on site): Compliance stated on PP. 15 & 136 of EIR. Parcel D and



half of Parcel E are approved for commercial use pursuant to this policy.

- 31.1.3 (Special Use Facilities): No special use facilities proposed. The proposed sewage treatment facility approved on Parcels H and J and the Sheriff's substation on Parcel C are "Public/Quasi-Public" uses. As indicated in Findings No. 58 and 64, these uses are consistent with plan policies.
- 31.1.3.1 (Quasi-Public uses): See Findings No. 58 and 64 for consistency analysis.
- 31.1.4 (Design of Treatment Facilities): This previously approved Combined Development Permit included a design review application for the sewage treatment facility. Mitigation No. 38 on Page 79 of the EIR, incorporated as Condition No. 4 also ensures compliance.
- 34.1.1.1 (Clustering): 17 of the lots on the property north of Carmel Valley Road are clustered, according to the EIR (see P. 2). The clustered lots range from 3.3 to 24.7 acres in size. Lots are clustered in most developable area close to access. The sites were selected in an attempt to minimize impacts to other resources such as visual, trees, etc. As a result, of the 897.3 acres north of Carmel Valley Road, 341.3 acres are preserved in common open space.
- 34.1.1.2 (Clustering): See response to Policy 34.1.1.1 above. Conditions of permit approval require dedication of private open space easements outside of development envelopes on all lots.
- 34.1.1.3 (Public and non-profit agencies acquire rights): Conditions of Permit Approval require dedication of easements for public riding and hiking trails. These trails will be dedicated to a public or nonprofit agency but will not be open for public use until a program for maintenance and liability for the trails is in place. To date, this program has not been adopted.
- 35.1.3 (No additional runoff): Compliance stated in EIR P.136 and in the discussion relative to "Hydrology" and "Soils" on PP. 32 - 47. Mitigations 9-18 incorporated as Condition Nos. 24(a) - 30 and 120 also ensure compliance. See also the "EIS" on PP. 46-49 prepared by "DD&A" for the 397.2 acre parcel.
- 37.4.1 (Land use patterns which reduce the need to travel): Urban services are within 2 miles of the project. In addition, the proposed commercial center and employee



housing are intended to provide services and housing locally thereby diverting existing trips from Carmel Valley Road (see EIR P. 88 and the "EIS" on PP. 25-30 prepared by "DD&A" for the 397.2 acre parcel).

37.4.2 (Bicycle and auto storage to encourage mass transit use): Compliance stated on Page 137 of the EIR. Provision for bicycle storage facilities is required as Condition of Approval No. 114. Enclosed recreational vehicle storage is proposed as part of the commercial development south of Carmel Valley Road.

38.1.4.1 (Mass transit): Compliance is stated on Page 137 of EIR.

39.1.6 (Hatton Canyon Freeway Funding): County directive. However, additional traffic generated may make this project subject to limitations which may be imposed by the Board of Supervisors after 5 years worth of allocation. Lots have been allocated in 1989 (Quail Meadows and Taylor minor subdivision); 1992 (Carmel Greens); and 1993 (Veeder Ranch and Cañada Woods). The approved commercial center, including the service center and employee housing, are intended to provide services and housing locally thereby diverting existing trips from Carmel Valley Road (see EIR P. 88). The recommended riding and hiking trails also provide an alternative to vehicular modes of travel. The EIR concludes that, with the suggested mitigation measures, traffic impacts would not be significant (see EIR PP.80-94 and the "EIS" on PP. 25-30 prepared by "DD&A" for the 397.2 acre parcel).

39.1.7 (Fees for off-site major thoroughfares): Mitigation 40 on Page 92 of EIR and the "EIS" on PP. 25-30 prepared by "DD&A" for the 397.2 acre parcel ensures compliance. This Mitigation is implemented as Conditions of Permit Approval No. 61 and 64.

39.2.2.1 (Provide for bicyclists & pedestrians): Compliance stated in EIR, P. 137. See also P. 87 of EIR for description of trail. Condition No. 93 requires dedication of easements for riding and hiking trails.

39.2.2.2 (Bike routes with all new road construction): Bicycle trails are proposed. See PP. 87 and 137 of the EIR for description of bicycle trails and compliance. Trail easements are proposed and required as Condition No. 93. See PP.87 and 137 of the EIR for description of trail easements and compliance.

39.2.2.3 (Roadwork in existing commercial cores): Condition No. 93 ensures compliance with this policy through dedication of trail easements.



- 39.2.2.4 All bridges proposed as part of the improvement plans will be designed to comply with this policy.
- 39.2.5.1 (Multiple Drive access to Carmel Valley Road) The EIR and the "EIS" (PP. 25-30) prepared by "DD&A" for the 397.2 acre parcel concludes that, with the proposed mitigation measures, traffic impacts would not be significant and the access is adequate. Conditions of Approval Nos. 62, 63, 65 and 89 ensure safe and adequate access to the project. The addition of the 397.2 acres will enter and exit Carmel Valley Road through the road system approved with the original proposal. No additional access to Carmel Valley Road is proposed.
- 39.2.5.2 (Off street parking): Future construction of the residences and the commercial center will be required to conform to the Zoning Ordinance requirements for off-street parking.
- 39.2.6.1 (Short cut trails): Compliance stated in EIR on P. 137. See also the discussion beginning on Page 87. Condition No. 93 also requires dedication of trails.
- 39.2.7 (Relaxation of road standards in hillside areas): New roads are on hillsides for very limited distances. Roads and driveways have been sited to minimize impacts to botanical and visual resources.
- 39.2.8 (No roads crossing 30% slope unless scarring and erosion can be mitigated): In several areas project roads cross slopes of 30% or greater. See Findings for the slope permit and the discussion for Policy 26.1.10.1 (CV) above. Compliance with this policy is stated in the EIR on P. 137. The EIR also concludes that visual impacts will not be significant (see P.78). Condition Nos. 17 and 18 require implementation of Erosion Control Measures.
- 39.3.1.1 (Improvements to Carmel Valley Road): Subsection (a) only. Yes, Mitigations 40 and 41 on Page 92 (of the EIR) incorporated as Condition Nos. 61 and 64, comply with the Policy and Board Resolution No. 92-395. The Board of Supervisors adopted the fee program to mitigate traffic impacts. The applicant is using these fees to implement and construct the County's proposed improvement for Carmel Valley Road over a significant portion of Segment 7.
- 39.3.1.3 (Left turn channelization of Carmel Valley Road at significant access points): Mitigations 41-43 incorporated as Condition Nos. 63 and 89, require left turn lanes, dedication of additional right-of-way and



deceleration tapers on Carmel Valley Road (see PP. 92-93 and 137 of EIR).

- 39.3.2.1 (Implementation of traffic standards): Compliance is discussed on PP. 137-138 of the EIR. The Public Works Department has indicated that since the Board of Supervisors has adopted a fee ordinance to fund safety improvements on Carmel Valley Road, the project may be considered by decision-making bodies. Fees collected will pay for traffic improvement projects. Also, see discussion at 39.3.1.1.
- 39.3.3 (Fire hydrant marking): Road improvement plans and other plans for development are subject to review and approval by the Mid-Valley Fire District to ensure compliance with applicable policies. Condition No. 33 also ensures compliance with this Policy.
- 40.2.1.1 (100' setback from Carmel Valley Road): Compliance will occur at the building permit stage. No development is shown within the setback on the PPRM/Vesting Tentative Map.
- 40.2.1.2 (Provision for public vista areas): County directive
- 40.2.1.3 (Block views from Carmel Valley Road): Views from Carmel Valley Road to the north will not be significantly effected (see P. 78 of the EIR and the "EIS" on PP. 34-38 prepared by "DD&A" for the 397.2 acre parcel). On P. 78 of the EIR it is also stated that the proposed commercial development would not disrupt or degrade the visual qualities of the critical viewshed.
- 40.2.1.4 (Improvements to Carmel Valley Road): All utility lines shall be underground per the County's Subdivision Ordinance. This requirement is incorporated as Condition of Approval No. 98.
- 41.1.2.1 (Access for buses at Carmel Valley Road): Compliance is stated in the EIR on P. 138. Conditions of Approval No. 114 require a bicycle rack in proximity to the bus stop on the south side of Carmel Valley Road.
- 51.2.8 (County service area for recreation area maintenance): This policy is not directly applicable since it is a County directive. This policy is not directly applicable since it is a County directive. However, public trails required by condition of approval will be open to the public only when administered by a public entity.



- 51.2.11 (Nearby access to riding and hiking trails and parks): Riding and hiking trails are required (see Condition No. 93 and P. 87 of EIR for discussion).
- 51.2.12 (Recreational outlets for Valley Youth): Park and recreation facilities within 3 miles.
- 51.2.13 (Equestrian recreational activities): Riding and hiking trails are required (see Condition No. 93 and P. 87 of EIR).
- 51.2.14 No existing camping or open space zoning designations exist on this site.
- 51.1.15 Yes, no sports facilities or lighting will be visible off-site.
- 53.1.6 (Conservation of water): Water conservation measures suggested in this policy are incorporated in the County's standard conditions of approval (See Condition Nos. 39 and 121) which will be implemented at the building permit stage.
- 54.1.5 (Development limited by septic on-site or sewage disposal): See P. 117 of EIR and the "EIS" on PP. 62-68 prepared by "DD&A" for the 397.2 acres parcel. Due to the level of planned sewage treatment, the project would result in a lower nitrate-nitrogen loading than currently exists or is allowed under the Carmel Valley Wastewater Study. Mitigation 55a on P. 122 incorporated as Condition No. 57, also requires annexation to a County Services District. This would ensure ongoing regulation and monitoring of the treatment facility.
- 54.1.6 (Exceeding of density rates for low/moderate income housing): See response to Policy 54.1.5 above. Questa Engineering Corporation has prepared two wastewater studies in December and January, 1991 which were also submitted to the Environmental Health Dept. The Health Department has recommended Conditions No. 40-57 which ensure that applicable health requirements are satisfied. Also the "DD&A" report analyzed the additional residential lots for the 397.2 acre parcel.
- 54.1.7 (All development is subject to County Water Allocation): Compliance stated on PP. 105-106 of the EIR and the "EIS" PP. 59-62 prepared by "DD&A" for the 397.2 acre parcel. The project proposes to use less water than is currently



used at the site. Treatment and use of tertiary treated wastewater for agricultural/open space irrigation will further reduce water use (see P. 133 of EIR).

54.1.8 (Water Reclamation): County initiative. However, it should be noted that a reclamation plan is part of the approved and proposed project. See PP. 120-122 of EIR and the "EIS" on PP. 59-64 prepared by "DD&A" for the 397.2 acre parcel for discussion re: effects upon groundwater. The Environmental Health Dept. has approved the studies which will provide wet weather storage reservoirs instead of disposal fields, since it would provide a greater margin of safety regarding protection of groundwater quality during wet weather periods. As stated in the EIR on P. 122, and the "EIS" on PP. 59-64 prepared by "DD&A" for the 397.2 acre parcel, "reclamation of wastewater. . . will also reduce the nitrate impact of wastewater disposal to the Carmel Valley groundwater basin."

54.1.9 (Community sewerage in Mid-Valley): Densities are not greater than one unit per acre.

54.1.11 (Groundwater Study where application rates would be exceeded) : Project would result in a lower nitrate-nitrogen loading than is allowed by the Carmel Valley Wastewater Study (see P. 117 of EIR).

56.2.3 (Street lighting): Several intersections of internal roads will be illuminated for safety purposes which will illuminate on the intersection areas. Said lighting will not produce off-site glare. Conditions No. 6 and 111 ensures compliance with this Policy.

56.2.41 (Aboveground utilities): This subdivision is required to have underground utilities pursuant to the County's Subdivision Ordinance (see Condition No. 98).

16. Finding: The 20 residential lot subdivision on the 397.2 acre parcel to the north of Carmel Valley Road is consistent with the most restrictive land use density on the property which is Rural Density Residential, 10 Acres/Unit. The southerly portion of the site north of Carmel Valley Road (53.4 acres) is designated "Low Density Residential, 2.5 acres per unit." The northerly portion of the site north of Carmel Valley Road (343.8 acres) is designated "Rural Density Residential/10 acres per unit."

Evidence: The proposed 20 lot residential subdivision on the 397.2 acre parcel project results in a gross residential density of 19.86 Acres/Unit.



17. Finding: Combining the 397.2 acre parcel with the approved project is consistent with the most restrictive land use density on the entire property which is Rural Density Residential, 10 Acres/Unit. The southerly portion of the site north of Carmel Valley Road including the southern portion of the 397.2 acre parcel is 247.4 acres and is designated "Low Density Residential, 2.5 acres per unit." The northerly portion of the site north of Carmel Valley Road including the 397.2 acre parcel is 649.4 acres and is designated "Rural Density Residential, 10 acres per unit." See also the Findings and Evidence for the General Plan Amendment approved for Parcel G.

Evidence: The proposed project results in a gross residential density of 16.61 acres/unit.

18. Finding: The 50-acre site to the south of Carmel Valley Road includes a mix of commercial uses, 15 employee housing units, and retention of 39 acres in agricultural production and open space. These uses are consistent with Low Density Residential, 2.5 Acres/Unit and Planned Commercial designations on the site as well as Policies 28.1.19 and 28.1.20B of the Carmel Valley Master Plan (CVMP).

Evidence: The 50-acre site is designated Low Density Residential/2.5 acres per unit, except for the area (Parcel F and a portion of Parcel E) adjacent to Carmel Valley Road which is designated Planned Commercial. Parcel D and a portion of Parcel E are proposed to be zoned for commercial use per Carmel Valley Master Plan Policy 28.1.20B (CV) which states that up to three acres each of the Williams and Wolters' properties south of the commercially zoned area may be utilized for planned general commercial uses, subject to certain provisions including, but not limited to, adoption of a General Development Plan. Parcel C is also proposed for commercial use (i.e., a service center) consistent with Carmel Valley Master Plan Policy 28.1.19 which states that provision should be made for service centers in Carmel Valley. Parcel B is proposed for a residential use consistent with the "LDR" (Low Density Residential) regulations. Agricultural uses, specifically crop farming, are an allowed use in the Low Density Residential designation. The agricultural parcels are proposed to be zoned "O" (Open Space) which allows farming. Residential uses, such as the proposed employee housing, are permitted in both the "LDR" and "HC" zoning designations subject to Use Permit approval. The structures proposed on



Parcels C and D for a service center and employee housing apartments has been approved by the County.

19. Finding: The site is physically suitable for this project and the proposed land use density.

Evidence: Topographic plot plans show that the site terrain is acceptable. Required grading and tree removal are minimized. Existing elevations and vegetation cover on the north side of Carmel Valley Road screen the project from public roads (i.e., Carmel Valley Road) and public viewing areas. The site totals 947.2 acres of which 819 acres (or 86.4%) are proposed to be retained for open space. None of the development envelopes, with the exception of a small part of Lot 24 which has been approved, include slopes greater than 30 percent; areas outside of the development envelopes are proposed to be placed in scenic easement. Technical studies of the soils and geologic substrata conclude that the development proposed, as mitigated, is feasible. The maximum number of residential units allowed pursuant to the County's slope density formula is 354.0. (See studies and slope density analysis contained in File SB-886 and PC-93142 and PC-95065).

20. Finding: The Preliminary Project Review Map and the Vesting Tentative Subdivision Map has been processed according to the procedure and in the form established by the Subdivision ordinance, County Code Title 19, Chapter 7, (Preliminary Project Review Maps) Sections 19.07.005 through 19.07.025, and Chapter 5, (Vesting Tentative Maps) Sections 19.05.005 through 19.05.080.

Evidence: Forms, applications, minutes, reports, public hearing notices, legal ads, maps, and chart contained in EIR File 91-001, Subdivision File No. SB-886 and File no. PC-95065 indicate that the Cañada Woods Subdivision has been reviewed by the public during the Negative Declaration, EIR and Preliminary Project Review Map processes and during the public hearings before the Standard Subdivision Committee on December 16, 1993, and July 13, 1995, the Planning Commission on January 26, 1994, and July 26, 1995, and the Board of Supervisors on March 15, 1994 and August 22, 1995.

21. Finding: The 44 residential lots requested have been allocated to the Cañada Woods Subdivision (SB-886) in 1993.

Evidence: On June 15, 1993, the Board of Supervisors allocated 44 residential lots to the Cañada Woods



Subdivision (see Board Resolution No. 93-227 contained in File SB-886).

22. Finding: This preliminary project review map has followed the process established by the Carmel Valley Master Plan, PP. 45 and 48-49.

Evidence: The Carmel Valley Master Plan states that residential subdivisions are subject to the allocation system. The Carmel Valley Citizens' Subdivision Evaluation Committee Summary Score Sheet and Addendum, the County Subdivision Committee Resolution No.95031, and the Monterey County Planning Commission No.95096, indicate that this project has followed the process established pursuant to the Carmel Valley Master Plan.

23. Finding: Confirmation of the score (i.e., 79.25%) rendered by the Carmel Valley Citizens' Subdivision Evaluation Committee for the Cañada Woods Subdivision, validates the requirement that this proposal has achieved at least 50% of the potential points available in each of the 10 applicable categories. This enables the applicant to convert the Preliminary Project Review Map to a Tentative Map, but shall not be construed as project approval.

Evidence: Copies of the Carmel Valley Citizens' Subdivision Evaluation Committee Summary Score Sheet have been distributed to members of the Board of Supervisors. The proposal conforms to the requirements on P. 49 of the Carmel Valley Master Plan which state that a proposal must receive a minimum of 50% of all applicable points in each of the 10 categories.

24. Finding: The maximum average yearly rate of allocation (37 lots per year beginning in 1987) and the allotment of currently available lots has not been exceeded.

Evidence: The Carmel Valley Master Plan limits the average yearly rate of allocation to 37 new residential lots. The quota and allocation process started in 1987 which results in a total of 256 lots (1987-1993) that may be allocated in the Carmel Valley area. Of the 256 lots, 56 were allocated to Quail meadows in 1989, 1 lot was allocated to the Taylor Minor Subdivision, a maximum of 71 new lots, which excludes the 36 inclusionary units, were allocated to the Carmel Greens project in 1992, 25 new lots to the Veeder Ranch project and 44 lots to the Cañada Woods subdivision on June 15, 1993. This results in a total of 197 new lots in the Carmel Valley area which have been allocated by the Board of Supervisors which leaves a balance of 59 lots



for allocation in 1993 as specified on PP. 44-46 of the Carmel Valley Master Plan.

25. Finding: The full number of residential lots requested (9) may be allocated to the 397.2 acre parcel consistent with policies in the Carmel Valley Master Plan.

Evidence: Board Resolution No. 93-227 adopted by the Board of Supervisors on June 15, 1993 allocated 44 residential lots; nine additional lots may be allocated to the project (see also Carmel Valley Master Plan).

26. Finding: The Preliminary Project Review Map has followed the process established by the Carmel Valley Master Plan, PP. 45 and 48-49.

Evidence: The Carmel Valley Master Plan states that residential subdivisions are subject to the allocation system. The Carmel Valley Citizens' Subdivision Evaluation Committee action on July 12, 1995, and the Monterey County Planning Commission Resolution No. 95096 indicate that this project has followed the process established pursuant to the Carmel Valley Master Plan.

27. Finding: The requested allocation of 9 residential lots is hereby granted.

Evidence: Sufficient lots exist for this allocation as described in the above Findings.

28. Finding: The applicant is required to comply with provisions of Monterey County's Inclusionary Housing Ordinance. The Standard Subdivision Committee has considered low and moderate income inclusionary housing requirements and the housing needs of the County's residents and has balanced those housing needs of its residents and environmental resources.

Evidence: Condition No. 99 require the subdivider to comply with provisions of the Inclusionary Housing Ordinance.

29. Finding: The design of the Subdivision and the type of improvements on the Tentative Map are not likely to cause serious public health problems.

Evidence: Water for the project will be supplied by the Cañada Woods Water Company. An on-site wastewater treatment plant for reclamation and re-use is proposed (see recommended Conditions 34-58; 127-129).

30. Finding: The project is consistent with Public Resources Code Section 21081.6 which requires monitoring



Conditions of Permit Approval.

Evidence: Public Resources Code 21081.6 requires monitoring of changes to the project which have been adopted or made conditions of project approval in order to mitigate potentially significant adverse environmental effects identified in the EIR 91 - 001. Conditions 4, 5, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 23A, 33G, 38, 39, 41, 42, 43, 44, 46, 47, 48, 49, 52, 59, 60, 74, 108, 109, 110, 112, 115, 116, 118, 119, 120, 121 and 122 require County monitoring or reporting during project implementation. Recommended Conditions No. 100 and 125 require submittal of a monitoring agreement for the applicable Conditions prior to recordation of the final map. The draft mitigation monitoring program is included as Appendix H in the final EIR.

31. Finding: Approval of the project is consistent with Section 711.4 of the State Fish and Game Code.

Evidence: The original Initial Study prepared for this project identified potentially significant environmental impacts to wildlife resources resulting from the project. An EIR was certified for the approved portion of this project which states that the project, as mitigated, will not have a significant impact on wildlife resources.

32. Finding: The project is consistent with County Ordinance 3310 which requires a minimum of 10 percent overall decrease in the use of water.

Evidence: Documentation provided by the Environmental Health Department and included in the addendum to the Cañada Woods Subdivision EIR (February 14, 1995). The 397.2 acre site is outside of the California American Water Company (Cal-Am); and therefore, Ordinance 3310 does not apply to this portion of the project application. The applicant proposes to treat wastewater generated by the residential portion of the subdivision on-site and use the reclaimed wastewater for the agricultural/open space/landscaping irrigation. Project water consumption at the site will be less than the existing use. Expanded Initial Study; Public Testimony; Administrative Record.

33. Finding: A transfer of development credits for wastewater allotment from subbasin 31 to subbasin 32 is appropriate and necessary.

Evidence: In 1982 the Board of Supervisors approved the Carmel Valley Wastewater Study prepared by Montgomery Engineers and incorporated the study by reference into the Carmel Valley Master Plan. The



Study identified 48 subareas in the Valley by watershed and soil characteristics. Within each subarea, upper limits were established for the total number of dwelling units utilizing septic systems. This was intended to prevent long term nitrate contamination from high concentrations of septic systems in any particular area. The Carmel Valley aquifer is susceptible to nitrate contamination due to its shallow unconfined formations and its beneficial use as a drinking water aquifer for the Monterey Peninsula.

Of the 48 subareas, four were projected to be overdeveloped and buildout and subsequently, no development beyond the first single family dwelling on a vacant lot of record has been allowed since 1983. Subarea 32 is one of those four impacted subareas and the lower portion of the Cañada Woods development lies within subarea 32.

The upper portion of the property lies within subarea 31.

The project includes the proposal to take all of the sewage generated from the upper residential lots in subarea 31 and dispose of the sewage in subarea 32, and create additional commercial lots within subarea 32. This would allow excess sewage to be disposed of in subarea 32 that would otherwise be permitted. According to the EIR (see P. 117) and Expanded Initial Study (see PP. 62-68) due to the level of planned sewage treatment, the project would result in a lower nitrate-nitrogen loading than currently exists or is allowed under the Carmel Valley Wastewater Study.

The basis of allowing transfer of effluent capacity between subbasins is documentation provided by Montgomery Engineers. Montgomery Engineers has stated that when calculating the maximum number of units in a subareas development credits can be exchanged between subareas that are hydrologically connected to each other. Subareas 31 and 32 are (31 lies immediately upslope of 32). These types of transfers do not allow a potential increase in the overall number of units to be built in Carmel Valley.

The 20 residential lots proposed on the 397.2 acre parcel, 9 of which are new to the subbasin, will have their sewage treated by the approved wastewater facility. The Expanded Initial Study



(see PP. 62-68) document that the project will result in a lower nitrate-nitrogen loading than currently exists or is allowed under the Carmel Valley Wastewater Study.

34. Finding: The Cañada Woods Subdivision will increase the need for utilization of access to public natural resources such as existing or proposed public trails adjacent to the subdivision as well as the recreational opportunities on the Carmel River.  
Evidence: Under Monterey County Code Title 19, Subdivision Ordinance, Chapter XII, Section 19.12.010, Recreation Requirements, as a condition of approval for a Vesting Tentative Map, the lots comprising the residential component of the Cañada Woods Subdivision will generate new residents.
35. Finding: The requirement of a public recreational trail as proposed in the Conditions of Approval is consistent with sound design and improvement standards for the proposed Cañada Woods Subdivision.  
Evidence: The Monterey County Parks Department has examined for consistency of the proposed subdivision with the goals, objectives, and policies of the Greater Monterey Peninsula Trails Plan, the draft Carmel Valley Trails Plan, and the 1971 Recreational Trails Plan. Upon such examination, the Parks Department found the proposed Cañada Woods Subdivision consistent with the applicable policies of these trail plans and that the requirement for trail access will not create a significant adverse environmental impact on the proposed subdivision.
36. Finding: There is a need to develop riding and hiking trails and bicycle routes in a manner consistent with the Carmel Valley Master Plan.  
Evidence: The developer is committed to work with the Carmel Valley Trails Committee and the Transportation Agency of Monterey County to dedicate the trails as shown on the Vesting Tentative Map.
37. Finding: The project has received environmental analysis prior to consideration of the vesting tentative map as required by County. Code Section 19.03.025B(2).  
Evidence: The Subdivision File for SB-886 and PC-95065 shows that the Final EIR 091-001 and Expanded Initial Study were submitted to all required hearing bodies at the Preliminary Project Review Map stage including: the Carmel Valley Citizens Subdivision Evaluation Committee/Advisory Committee, the



Standard Subdivision Committee, the Planning Commission and the Board of Supervisors. The Final EIR and Expanded Initial Study was also submitted to the Standard Subdivision Committee, the Planning Commission and the Board of Supervisors for the public hearings on this Combined Development Permit on December 16, 1993, and July 13, 1995, January 26, 1994, and July 26, 1995, March 15, 1994 and August 22, 1995. Findings for certification of the Final EIR (see March 14, 1995, Board of Supervisors Resolution) and findings for adoption of the Negative Declaration (see part I), describe the environmental review of this project.

38. Finding: The design of the subdivision and the proposed vesting tentative map and the improvements required or proposed will not result in any potential significant environmental impacts which cannot be mitigated to acceptable levels or are likely to cause substantial and avoidably injure fish or wildlife or their habitat or cause serious health problems.

Evidence: As a result of EIR 91-001 prepared for the approved project, specific environmental impacts are identified in the report and mitigation measures are recommended to address adverse environmental impacts as a result of the project. Conditions of Approval take into consideration the mitigation measures as outlined in the EIR with the exception of Mitigation Measures No. 3, 11, 16, 32, 33, and 34 which are incorporated in the approved project design. No significant adverse impact was identified in the EIR or Expanded Initial Study, which cannot be mitigated to acceptable levels.

39. Finding: The Planning Commission and the Subdivision Committee found that the EIR for the approved portion of the Cañada Woods Combined Development Permit, per Section 15128(d) of the CEQA Guidelines, analyzes a range of alternatives to the proposed project. The alternatives analyzed in the EIR provide reasonable alternate choices for the decision makers when reviewing the project. The Board of Supervisors concurs with and adopts this finding.

Evidence: The Final EIR 91-001, pages 145-148, briefly discusses four project alternatives which include "no project," buildout under the Monterey County General Plan, an alternate site plan, and clustering of buildings. See also Standard Subdivision



Committee Resolution No. 93086 and Planning Commission Resolution No. 94016 and March 14, 1994 Board of Supervisors Resolution.

40. Finding: The Final EIR for the Cañada Woods Combined Development Permit was presented to the Subdivision Committee, the Planning Commission and the Board of Supervisors and was used to review and consider the Cañada Woods project in its environmental aspects as required by CEQA. All of the mitigation measures included in the Final EIR are incorporated as conditions of permit approval with the exception of mitigation measures 3, 11, 16, 32, 33, and 34 which have been incorporated in the approved project design. Incorporation of the mitigations included in the Certified Final EIR as Conditions of Permit Approval and the revised project design result in a project that would not have a significant impact on the environment.

Evidence: Statements of the Board of Supervisors on tapes of the March 15, 1994, meeting; Findings above; Standard Subdivision Committee Resolution No. 93086; Planning Commission Resolution No. 94016; May 14, 1995 Board of Supervisors Resolution and conditions of project approval.

41. Finding: The establishment, maintenance or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Evidence: This portion of the Combined Development Permit will not significantly effect nor impact the surrounding land uses as evidenced by the Certified Final Environmental Impact Report, Expanded Initial Study and the findings and supporting evidence.

**III. FINDINGS AND EVIDENCE FOR THE APPROVED GENERAL PLAN AMENDMENT ON PARCEL G**

42. Finding: The approved amendment will not have a significant effect on the environment.

Evidence: The Certified Final EIR prepared for the approved portion of this project did not identify any significant adverse impact which cannot be mitigated to an acceptable level. The approved project would change the existing land use designation on proposed parcel G, which is a total of 1.4 acres in size, from "Low Density



Residential, 2.5 acres per unit" to "Visitor Accommodations/Professional Offices." The existing residence will continue for a residential use and the existing storage barns and guesthouse would be retained and converted to offices. The chicken coop is proposed to be replaced with a new barn which would also be used for offices. The new barn would not be visible from Carmel Valley Road.

The use of parcel G is limited to professional offices for the project developer, management and maintenance of the commercial and residential areas, homeowner's association office, project sales office, nursery for on-site landscape improvements, and continuation of the existing residential use. Use of Parcel G shall not be open to the general public. Condition No. 104 limits the use of Parcel G to those uses specified in this finding and requires recordation of a deed restriction which shall run with the land in perpetuity. As a result, the approved use, as conditioned, would not have a significant adverse effect on the environment. In addition, services for the approved subdivision would be provided on site thereby reducing traffic flow on Carmel Valley Road.

43. Finding: Public notice for this General Plan Amendment was: 1) sent to all organizations and individuals who requested notice; 2) published in the Monterey Herald; 3) posted in the project area; 4) mailed to contiguous property owners within 300 feet.

Evidence: File PC-93142.

44. Finding: The plan amendment maintains the General Plan of the County of Monterey and the Carmel Valley Master Plan as compatible, integrated and internally consistent.

Evidence: All policies of the Monterey County General Plan and the Carmel Valley Master Plan have been reviewed by Planning staff for consistency. The use of Parcel G is restricted to only those uses which are necessary for the ongoing construction, maintenance and operation of the proposed subdivision. Services for the subdivision, consistent with policy 28.1.19, would be provided on-site thereby reducing the traffic flow on Carmel Valley Road.



#### IV. FINDINGS AND EVIDENCE FOR THE PROPOSED ZONING RECLASSIFICATION

45. Finding: The zoning reclassification will not have a significant effect on the environment.

Evidence: The EIR and Expanded Initial Study prepared for this project did not identify any significant adverse impact which cannot be mitigated to an acceptable level. Mitigations included in the EIR and "EIS" to reduce potentially significant impacts are incorporated as conditions of approval. In addition, condition no. 1 requires overlay "VS" (Visual Sensitivity) zoning designation on certain lots which are visually sensitive, to mitigate potential visual impacts, and to prohibit further subdivision of the site.

46. Finding: The zoning reclassifications are consistent with policies of the Monterey County General Plan and the Carmel Valley Master Plan.

Evidence: The following zoning reclassification have been approved: 1) "LDR/2.5-D-S" (Low Density Residential) to "O" (Open Space) or to some other classification, on Parcels A1, A2, I, K, L, and M. These parcels are approved for agriculture and open space uses. The rezoning is necessary to protect the terrain, natural resources and viewshed. 2) "LDR/2.5-D-S" (Low Density Residential) to "HC-DS" (Heavy Commercial) or to some other classification on Parcels C, D and the rear portion of E. This zoning designation is consistent with policies 28.1-19 and 28.1.20(B) of the Carmel Valley Master Plan as stated in the above Findings. 3) "LDR/2.5-D-S" (Low Density Residential) to "VO-DS" (Visitor Serving/Professional Office) or to some other classification, on Parcel G. This zoning designation is consistent with the land use plan designation proposed and discussed in the above Findings.

Evidence: The following zoning reclassification is proposed: "RDR/D-S-B-6" (Rural Density Residential) and "LDR/D-S-B-6" (Low Density Residential) to "RDR/10-D-S" (Rural Density Residential) and "LDR/2-5-D-S" (Low Density Residential) or to some other classification. This zoning is consistent with the Land Use Plan Designation currently existing on the 397.2 acre parcel.

#### V. FINDINGS AND EVIDENCE FOR APPROVAL OF THE USE PERMIT TO ALLOW DEVELOPMENT ON SLOPES 30 PERCENT OR MORE

47. Finding: Development is proposed on slopes which are 30 percent or more in the areas delineated, described



and explained on the "Attachment" to application for slope permit contained in the Planning and Building Inspection File No. PC-95065. The remainder of the proposed development exclude areas of 30 percent slope or more.

Evidence: Materials contained in File PC-95065.

48. Finding: The portion of the approved application which would allow for development on slopes of 30 percent or more within lot 24 is appropriate since the design of the development envelope as proposed better achieves and maximizes the objectives and policies of the Monterey County General Plan and the Carmel Valley Master Plan.

Evidence: Approximately 1500 square feet of the development envelope on lot 24 includes slopes which are 30 percent or greater. The Vesting Tentative Subdivision Map, 30 percent Slope Development Map, and other materials contained in File PC-93142 indicate that the development envelope as proposed by the applicant reduces potential visual impacts and the necessity for tree removal.

In addition, the Geotechnical Investigations prepared for the project indicate that the development envelopes as proposed are suitable (see EIR #91-001 and the supplemental study in File PC-93142).

49. Finding: There are no alternatives on the property which would allow for the construction of sections of the approved or proposed roads, utility lines; the reclaimed water reservoir, and Lot 24 on slopes under 30%.

Evidence: According to the materials contained in File PC-93142 and PC-95065 further evidenced by a staff field inspection. Placement of roads is dictated by topography and the existing ranch roads. See also the evidence for Finding No. 44 above.

Evidence: The Environmental Health Department has recommended the proposed reclaimed water reservoir(s) instead of disposal fields. The proposed reservoir would not only reduce the projected water demand but would also reduce the nitrate impact of wastewater disposal to the Carmel Valley Groundwater Basin.

50. Finding: The proposed and approved roads on slopes 30% or more are physically suitable for the type of development proposed and better achieve the policies of the Carmel Valley Master Plan.

Evidence: Geotechnical Investigations prepared for the project indicate that the proposed project is



suitable. (see EIR #91-01 and Expanded Initial Study) . As shown on the plans in File PC-93142 and PC-95065, many of the proposed road alignments follow existing ranch roads, but must be widened to meet minimum standards. The existing and proposed alignments of the roads reduce grading, environmental damage, and potential visual impacts which would occur if the roads were proposed in an alternate location.

51. Finding: The proposed driveways on slopes 30 percent or more are physically suitable for the type of development proposed and better achieve the policies of the Carmel Valley Master Plan.

Evidence: Geotechnical Investigations prepared for the project indicate that the project, as proposed, is suitable (see EIR #91-01 and Expanded Initial Study). As shown on the plans contained in File PC-93142 and PC-95065, the driveways have been sited in a manner so as to reduce the overall amount of grading and tree removal required, and mitigate environmental damage and potential visual impacts which would occur if the driveways were moved to an alternate location.

52. Finding: The proposed utilities on slopes exceeding 30 percent are physically suitable for the type of development proposed and better achieve the policies of the Carmel Valley Master Plan.

Evidence: Geotechnical Investigations prepared for the project indicate that the proposed project is suitable. (see EIR #91-01 and Expanded Initial Study). As shown on the plans in File PC-93142 and PC-95065, locating the utilities as proposed reduces the overall amount of grading, allows the utilities to be laid out in the most direct route and constructed in the least environmentally damaging manner.

53. Finding: The proposed reclaimed water reservoir on slopes 30 percent or more is physically suitable for the type of development proposed and better achieve the policies of the Carmel Valley Master Plan.

Evidence: Geotechnical Investigations prepared for the project indicate that the proposed project is suitable (see EIR #91-01 and Expanded Initial Study). Condition No. 58 requires final design by an engineering geologist. As shown on the plans in File PC-93142 and PC-95065, the water retention reservoir needs to be located in an area which can hold water and this typically involves slopes in excess of 30 percent slope. This proposal allows



for the on-site retention of reclaimed water which can be used to maintain the agricultural use, reduce the existing water use, and provide additional fire protection capability.

**VI. FINDINGS AND EVIDENCE FOR THE TREE REMOVAL**

54. Finding: The tree removal requested of 221 oak trees is the minimum required under the circumstances of the case.

Evidence: Review of the plans in File PC-93142 and PC-95065 indicate that the proposed removal of the 221 oak trees is necessary to allow the construction of the roads. Relocation of the roads may require additional tree removal.

55. Finding: The removal of the oak trees proposed under this Use permit will not involve a risk of an adverse environmental impact.

Evidence: The applicant proposes to remove 221 oak trees from the project site which is subject to the Use permit review requirements of Ordinance 3420. The removal constitutes 1 to 2% of the coast live oaks on the property.

Evidence: The removal of the 221 oak trees will not result in an adverse impact to water quality and localized ecology. The proposed oak tree removal will not result in increased ambient noise levels nor have a substantial adverse impact on existing biological and ecological systems or the public viewshed per the Preliminary Forest Management Plan in the Planning department.

Evidence: EIR #91-001 and the Expanded Initial Study concludes that the proposed tree removal would not result in a significant adverse impact to forest resources on-site.

Evidence: Condition 16 states that the oaks removed are to be replaced at a 3:1 ratio or as recommended in a Forest Management Plan for a possible total of 261 coast live oaks. This condition adequately mitigates the proposed removal of the 221 oak trees.

**VII. FINDINGS AND EVIDENCE FOR THE APPROVED USE PERMIT FOR THE SEWAGE TREATMENT FACILITY**

56. Finding: The approved sewage treatment facility on Parcels H and J is consistent with the "LDR" (Low Density Residential) zoning district.

Evidence: Public Utility facilities are an allowed use with an approved Use Permit in the "LDR" zoning district.



57. Finding: The approved sewage treatment facility is consistent with policies 31.1.3 and 31.1.3.1 of the Carmel Valley Master Plan.

Evidence: The approved facility conforms to all applicable plan policies as stated in finding no. 22 (31.1.3 - CV). The sewage treatment facility will not be visible from any public road or viewing area. Design approvals contained in File PC93142 show that the facility will be housed in a barn consistent with the rural architectural theme. The EIR concludes that noise impacts would not be significant (see EIR PP. 100-102).

58. Finding: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Evidence: The Environmental Health Department has reviewed the proposal and recommended conditions. Conditions 40, 49, and 50 and applicable State and Local regulations ensure the safe operation.

VIII. FINDINGS AND EVIDENCE FOR THE APPROVED GENERAL DEVELOPMENT PLANS AND THE USE PERMITS FOR PARCELS C, D, E, F, G

59. Finding: The approved projects for parcels C, D, E, and F are consistent with the Carmel Valley Master Plan and Monterey County General Plan Policies.

Evidence: The sites will be used for commercial uses pursuant to the existing commercial designation on the Carmel Valley Master Plan Land Use Map and policies 28.1.19 and 28.1.20(B) of the Carmel Valley Master Plan. The visual policies and development policies of the General Plan and the area have been reviewed. The sites were inspected by Planning and Building Inspection staff. See also findings for the General Plan Amendment for Parcel G and the consistency analysis above.

60. Finding: The approved project includes a General Development Plan for commercial development on Parcels C, D, E and F; and a General Development Plan for commercial development on Parcel G. Permit approval would be required for specific uses.

Evidence: The approved uses for Parcels C and D (service center, offices, sheriff's substation, RV storage, mini-warehouse storage facilities, laundry facilities, and employee housing) as well as the



uses on Parcel E and F are allowed with the adoption of a General Development Plan. The approved commercial use accessory to the ongoing operation and maintenance of the subdivision on Parcel G also required a General Development Plan which has been approved. The project conforms to the Site Development Standards of the "HC" and "LC" zoning districts. See also the consistency analysis included in Finding No. 22.

61. Finding: The approved project includes a Use Permit for a service center, offices, sheriff's substation, RV storage, mini-warehouse storage facilities, laundry facilities and employee housing on Parcels C and D. The approved projects for Parcels C and D conform to the "HC-D-S" (Heavy Commercial) zonings on the properties.

Evidence: Service Center, retail, storage, employee housing, public/quasi public uses and other commercial uses are permitted in the "HC-D-S" zoning district on Parcels C and D. The approved uses for Parcels C and D (service center, offices, sheriff's substation, RV storage, mini-warehouse storage facilities, laundry facilities, and employee housing) as well as the uses on Parcel E and F are allowed with the adopted General Development Plan and the approval of the existing and proposed Use Permit. The project conforms to the Site Development Standards of the "HC" and "LC" zoning districts. See also the consistency analysis included in Finding No. 22.

62. Finding: The approved project includes a Use Permit for professional offices on Parcel G. The proposed use on Parcel G conforms to the "VO-D-S" (Visitor Accommodations/Professional offices) zoning district.

Evidence: The approved professional offices are permitted in the "VO-D-S". The approved use is allowed with the adopted General Development Plan and the approved Use Permit applied for in PC-93142. The project conforms to the Site Development Standards of the "VO" district. Also, Condition No. 104 limits and restricts the uses that will be allowed on Parcel G.

63. Finding: The approved sheriff's substation is consistent with policies 31.1.3 and 31.1-3.1 of the Carmel Valley Master Plan.

Evidence: The approved use conforms to all applicable plan policies as stated in finding no. 22 (31.1.3 CV). The sheriff's substation would be located within



the commercial buildings. Design approval applications contained in File PC-93142 show that the structures follow rural architectural theme. The Certified Final EIR concludes that noise impacts would not be significant (see EIR PP. 100-102).

IX. FINDINGS AND EVIDENCE FOR THE APPROVED ADMINISTRATIVE PERMIT FOR THE CONVENIENCE STORE

64. Finding: The approved Administrative permit allowed the conversion of a 612 square foot produce stand with a 396 square foot porch on Parcel F into a convenience store. The subject property is approximately 3.0 acres in size and is zoned Light Commercial (LC-D-S). The Carmel Valley Master Plan designates the property as Planned Commercial.

Evidence: Materials in File PC-93142.

65. Finding: Public notice of the pending Administrative Permit was provided pursuant to Section 21.46.04OB(2) (b) of Title 21, Monterey County Code (Zoning).

Evidence: Materials in File PC-93142.

66. Finding: The approved convenience store is consistent with the Light Commercial zoning designation and the Monterey County General Plan and Carmel Valley Master Plan.

Evidence: The "Light Commercial" zoning district designates the property for light commercial uses suitable for the convenience of nearby residential areas.

Evidence: The text and policies of the Monterey County General Plan and Carmel Valley Master Plan have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist (see also the consistency analysis in the above findings).

X. FINDINGS AND EVIDENCE FOR APPROVAL OF AN AMENDMENT TO THE APPROVED COAST RANCH VESTING TENTATIVE SUBDIVISION MAP.

67. Finding: The Coast Ranch application for a vesting tentative map was approved by the Board of Supervisors on June 25, 1991 which allows the 134.2 acre parcel to be subdivided into 76 residential lots on 45.7 acres, 36.3 acres on open space parcels and 52.2 acres of agricultural cultivation.

Evidence: June 25, 1991 Board of Supervisors Resolution; Plans and Materials contained in Planning and Building Inspection File No. PC-6847; Administrative Record.



68. Finding: No lots, units or building sites will be added to the Tentative Map.  
Evidence: The applicant has proposed to delete 9 residential lots by merging lots on the approved vesting tentative map; plans and materials contained in Planning and Building Inspection File No. PC-95065; Public Testimony: Administrative Record.
69. Finding: The changes are consistent with both the intent and spirit of the original Vesting Tentative Map approval.  
Evidence: A reduction in density by merging lots meets both the spirit and intent of the original Vesting Tentative Map approval.
70. Finding: There are no resulting violations which affect Monterey County Codes.  
Evidence: The appropriate Monterey County agencies have reviewed the amended map for compliance with the Monterey County Codes and have concluded that the proposed amendments do not violate any of the codes.
71. Finding: There will be no new significant adverse environmental effect from the change.  
Evidence: A reduction in density has a positive impact on the environment; Expanded Initial Study.

**XI. FINDINGS AND EVIDENCE FOR APPROVAL OF AN AMENDMENT TO THE SCENIC EASEMENT ON THE 397.2 ACRE PARCEL.**

72. Finding: The scenic easement on the 397.2 acre parcel must be amended to exclude development envelopes, roadways, and utilities, in order to allow the proposed 20 lot residential subdivision.  
Evidence: The scenic easement as it currently exists restricts the above mentioned uses.
73. Findings: Amending the scenic easement will not create a significant environmental impact.  
Evidence: Negative Declaration and Initial Study contained in Planning and Building Inspection Department File No. PC-95065.
74. Finding: Amending the scenic easement to allow the proposed development is consistent with the Carmel Valley Plan.  
Evidence: Findings and Evidence contained herein; Policy Analysis contained in Planning and Building Inspection Department File No. PC-95065.



75. Findings: The proposed amendment will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Evidence: The proposed amendment was reviewed by the appropriate County Agencies. The County 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; or the County in general.

Evidence: The portions of the 397.2 acre parcel to be excluded from scenic easement total 13.6% of the 397.2 acre parcel leaving the remaining 86.4% in scenic easement.

Evidence: The project applicant has proposed to dedicate 818.9 acres of the 947.2 acre project development site in open space.

Evidence: Condition No. 3 requires dedication of scenic easement over all portions of the 897.2 acre site north of Carmel Valley Road with the exceptions of utilities, roads, development envelopes and other areas proposed for development on Parcels G, H, J, N and O.

SECTION 2. The Board of Supervisors hereby adopts the Negative Declaration and approves said application as shown on the Preliminary Project Review Map/Vesting Tentative Map contained in Planning and Building Inspection Department File No. PC-95065 subject to the following conditions:

I. CONDITIONS FOR THE VESTING TENTATIVE SUBDIVISION MAP AND RELATED IMPROVEMENTS INCLUDING THE USE PERMITS FOR THE SEWAGE TREATMENT FACILITY, TREE REMOVAL, WAIVER OF POLICY PROHIBITING DEVELOPMENT ON SLOPES IN EXCESS OF 30 PERCENT AND ADMINISTRATIVE PERMIT FOR 45,000 CUBIC YARDS OF GRADING.

#### ZONING

1. Prior to filing the Final Map, the applicant shall request writing: 1) add a combining "VS" zoning the following in designation for lots with the potential for building sites which may be visible from Carmel Valley Road. These Lots are: 6-9, 17-19, 22-24, and 45-47; 2) add a combining "VS" zoning designation for Parcels B-G which are visible from Carmel Valley Road; 3) add a combining "B-6" zoning designation to each lot and parcel in the subdivision. (Planning and Building Inspection & m.m. 31 and 36)



2. Prior to filing the Final Map, specific three dimensional building envelopes shall be prepared for Lots 18, 19, 23, 24 and 45 subject to the approval of the Director of the Planning and Building Inspection Department. The plans shall: 1) define the specific building site; 2) indicate maximum allowable building height for the lots listed above as well as for Lots 6-9, and 22, 46 and 47 (said height limit shall be included as a deed restriction for that lot); 3) identify natural vegetation that should be retained; 4) identify landscape screening as appropriate. The approved plans are to be recorded with the subdivision's CC&Rs. A note shall be placed on the Final Map stating that a specific plan has been prepared for these lots and that the property may be subject to building and/or use restrictions. (Planning and Building Inspection and m.m. -31-33)

#### SCENIC EASEMENT

3. A Scenic Easement shall be conveyed to the County of Monterey over all portions of the 897.2-acre site north of Carmel Valley Road with the exception of roads, development envelopes and other areas proposed for development on Parcels G, H, J, N and O. The 39 acres within Parcels A1 and A2 shall be placed within an agricultural conservation easement with the exception of any trails and fire access roads. Scenic and agricultural conservation easements shall be delineated on the Final Map. Scenic and agricultural conservation easement deeds shall prohibit fencing within the Scenic Easement unless required for safety or as a requirement of another condition and shall be subject to the approval of the Director of Planning and Building Inspection prior to filing the Final Map. (Planning and Building Inspection & m.m. 20, 22, 39)

#### DESIGN REVIEW

4. Language shall be incorporated in the CC&Rs for both the commercial and residential developments which requires site and design control by the Homeowner's Association. The CC&Rs shall also indicate the following: 1) design review is required by the County of Monterey for all new development, including the sewage treatment facility, residential and commercial structures as well as structural and exterior changes; 2) materials and colors used in construction shall be selected for compatibility both with the structural system of the building and with the appearance of the building's natural surroundings; 3) and/or earthtone colors may be required; 4) the proposed commercial structures shall follow a rural agricultural theme; 5) existing vegetation shall be maintained to the greatest extent possible to soften or screen the appearance of the buildings; and 6) mechanical apparatus associated with the commercial buildings shall be screened. (Planning and Building Inspection Department & m.m. 35-38)



5. The location, type and size of all antennas, towers, and similar appurtenances be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)

#### LIGHTING

6. Any street lights in the development shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection Department & m.m. 35)
7. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The location, type, and wattage must be approved by the Director of Planning and Building Inspection prior to the recordation of the Final Map and/or issuance of building permits. The CC&Rs shall include a statement regarding the County's lighting requirements. (Planning and Building Inspection Department & m.m. 35)

#### GEOLOGICAL CONDITIONS

8. Subdivision improvements and CC&Rs for both the residential and commercial developments shall comply with and include the recommendations of the geotechnical studies prepared for this project by Wahler Associates (January 1991; February 1992; September 1993), Weber and Associates (September 1991) and Terratech (June, 1995). A note to this effect shall also be placed on the Final Map prior to recordation subject to the approval of the Director of Planning and Building Inspection. The CC&Rs shall also indicate that site specific foundation design recommendations shall be prepared for development on Lots 3, 4, 10, 11, 12, 16, 34-44, 53, 59, 60, and 62, by a qualified geotechnical engineer prior to issuance of a building permit. (Planning and Building Inspection & m.m. 1, 8 & 9)
9. The improvement plans for road construction shall indicate that the south bank of Este Madera Drive shall not be cut back for road widening. Any required road widening shall be completed on the north bank, which is underlain by competent shale. The slope on the south bank may be flattened or appropriately retained during road construction. An appropriate drainage system shall be constructed at the top of the south bank to reduce surface flow over the slope or as required by a geotechnical engineer. The improvement plans are subject to the approval of the Director of Public Works and the Director of Planning and Building Inspection and the Water Resources Agency prior to recordation of the final map. (Planning and Building Inspection, Public Works, Water Resources Agency & m.m. 6)



## ARCHAEOLOGICAL RESOURCES

10. If archaeological, paleontological or historical resources or human remains are discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is to be significant, appropriate mitigation measures shall be formulated and implemented. A note to this effect shall be included in the CC&Rs. (Planning and Building Inspection & m.m. 30)
11. An archaeological monitor shall be present during all brush or vegetation clearing, grading, trenching, pad construction, and other earth altering activities on the portion of the site located south of Carmel Valley Road, exclusive of the agricultural operations within the proposed agricultural conservation easement. The monitor shall have the power to temporarily halt construction if intact or potentially significant archaeological resources or human remains are encountered, until the find(s) can be evaluated by a professional archaeologist. If the find(s) is determined to be significant, appropriate mitigation measures shall be formulated and implemented. A note to this effect shall be included on the subdivision improvement plans and in the CC&Rs for the commercial development subject to the approval of the Director of Planning and Building Inspection prior to recordation of the Final Map. (Planning and Building Inspection & m.m. 29)

## AIR POLLUTION/DUST CONTROL

12. Dust control measures, as recommended by the Monterey Bay Unified Air Pollution Control District and required by state law, shall be implemented to reduce fugitive dust emissions at the site. These include, but are not limited to, the following:
  - a) provide equipment and manpower for watering of all exposed or disturbed earth surfaces at least twice daily. The use of subpotable-water is preferred.
  - b) cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.
  - c) sweep construction areas and adjacent streets of all mud or dust daily or as needed.
  - d) landscape or cover completed portions of the site as soon as construction is complete in that area.

A note regarding dust control measures shall be included on the subdivision improvement plan subject to the approval of the Directors of Planning and Building Inspection and Public Works prior to filing the Final Map. (Planning and Building Inspection Department & m.m. 46)



13. The CC&Rs shall contain a provision, subject to the approval of the Director of Planning and Building Inspection, that only wood burning appliances, including fireplaces, which meet EPA Phase II standards shall be installed in residences or commercial buildings. (Planning and Building Inspection & m.m. 45)

#### **TREE REPLACEMENT, REMOVAL & PROTECTION**

14. CC&RS shall include: 1) measures for protection of oak trees and Monterey pines on individual lots as part of future home construction; 2) guidelines for appropriate landscaping management to protect remaining oaks; and 3) provisions for replacement of the trees removed from on-site genetic stock. A note shall also be included in the CC&Rs and placed on a separate sheet of the Final Map that: 1) oak, madrone and redwood trees are protected on individual lots and removal requires permit approval by the County of Monterey; and 2) County Ordinance #3420 requires preparation of a Forest Management Plan if more than three trees are proposed for removal. Said CC&Rs shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation of the Final Map. (Planning and Building Inspection & m.m. 24, 251 26 and 28)
15. Grading, filling and other construction activity shall be prohibited within the dripline of oak trees where possible, unless measures are taken to protect the trees consistent with an approved Forest Management Plan prepared by a licensed Forester. Each tree or group of trees within a construction area designated to remain shall be protected by an enclosure (i.e., 5-foot high fence) which is located at the tree dripline, prior to commencement of construction activity. A note to this effect shall be included on the improvement plans and in the CC&Rs subject to the approval of the Director of the Planning and Building Inspection Department prior to recordation of the Final Map. (Planning and Building Inspection & m.m. 27)
16. No further permits shall be required for oak tree removal which is necessary for road construction and other site improvements included on the Approved Subdivision Map. Replacement of the trees removed at a 3:1 ratio is required which would necessitate planting 663 Coast live oaks and 72 Monterey pines, or as recommended in a Forest Management Plan, if necessary. The size, type and location of the tree replacements shall be shown on the improvement plans subject to the approval of the Director of Planning and Building Inspection prior to recordation of the Final Map. The trees shall be planted prior to final clearance of the grading permit. (Planning and Building Inspection & m.m. 23)



## EROSION CONTROL

17. All cut and/or fill slopes exposed during construction shall be covered, seeded, or otherwise treated to control erosion during and after construction, subject to the approval of the Director of Planning and Building Inspection. Permanent erosion protection is required on all cut and fill slopes. Provisions for the ongoing maintenance of the erosion control plantings shall be incorporated in the CC&Rs. (Planning and Building Inspection Department & m.m. 4)
18. The improvement and grading plans for the subdivision improvements and individual lot construction shall include a comprehensive drainage plan and the specific plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting is established, consistent with Monterey County's Erosion Control Ordinance. For necessary grading operations, the smallest practical area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable amount of time. Other erosion control measures include, but are not limited to, stockpiling of soils during construction to prevent deposition into drainages and temporary detention of runoff. Recommendations contained in the preliminary erosion control plan prepared for this project and included in this condition shall be incorporated in the improvement and grading plans. Similar language shall be incorporated in the CC&Rs for development on each lot. Language shall also be included for the ongoing maintenance of erosion control plantings. The documents shall be approved by the Director of Planning and Building Inspection, Water Resources Agency and the Director of Public Works. (Planning and Building Inspection and m.m. 10, 11 and 19)
19. Construction improvements, such as road grading, shall be limited to the period between April 15 and October 15 unless Winter season operating conditions of the Erosion Control Ordinance are met and in place and are identified on the improvement plans subject to the approval of the Director of Planning and Building Inspection prior to filing the Final Map. In addition, any soil exposed during construction between October 15 and April 15 shall be protected by applying straw mulch applied at 200 pounds per acre and tucked in to prevent movement during water flow. A note to this effect should be included on the improvement plan and incorporated in the CC&Rs. (Planning and Building Inspection & m.m. 10 and 19)

## LANDSCAPING & MAINTENANCE

20. CC&Rs for both the residential and commercial developments shall set forth the following regulations: 1) landscaping with



native and fire resistant materials; 2) prohibit introduction of normative, invasive plant species within any portion of the subdivision; 3) establish limits of clearance for fire protection; 4) include provisions for removal of genista and pampas grass pursuant to Policy 7.2-2.3 (CV). The CC&Rs shall also include language which restricts direct disturbance or removal of native vegetation within individual lots and within the scenic easements. Said CC&Rs shall be approved by the Director of Planning and Building Inspection prior to recordation of the Final Map. A note stating that County regulations for landscaping apply to each lot and parcel in this subdivision shall be placed on a separate sheet of the Final Map. (Planning and Building Inspection Department & m.m. 20, 21, 38 & 50)

21. Native drought tolerant plant seeds and materials shall be used in all revegetation landscaping associated with improvements to the subdivision. Landscaping is also required to screen and soften the appearance of the proposed sewage treatment facility. These materials and a schedule for implementation shall be included on the improvement plans and are subject to the approval of the Director of Planning and Building Inspection prior to filing the Final Map. (Planning and Building Inspection & m.m. 20 & 21)
22. All landscaped areas and/or fences shall be continuously maintained and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. Language shall be included in the CC&Rs which provides for the ongoing maintenance of landscaping. (Planning and Building Inspection)

#### HOMEOWNERS' ASSOCIATION & MAINTENANCE OF ROADS, DRAINAGE AND OPEN SPACE

23. A Homeowners Association shall be formed for road, drainage and open space maintenance. The documents for the formation of this association shall be submitted to and approved by the Director of Public Works, the Director of Planning and Building Inspection and the Monterey County Water Resources Agency prior to filing of the Final Map. The document shall include a pro forma budget on the cost of operation of the Homeowner's Association (in dollars) of the annual cost of road drainage and open space maintenance as of the date of documentation. The CC&Rs shall include provisions for a yearly report prepared by a registered civil engineer regarding monitoring of impacts of drainage and maintenance of drainage facilities. The report shall be reviewed and approved by the Monterey County Water Resources Agency. (Water Resources Agency, Planning and Building Inspection Department & m.m. 15)



- a. If the Homeowners Association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control systems in the project, the Monterey County Water Resources Agency shall be granted the right by the property owner to enter any and all portions of the property, and to perform the repairs, maintenance or improvements that are necessary to properly maintain repair or operate the drainage and flood control systems in the project. The Monterey County Water Resources agency shall have the right to collect the cost from the property owners upon their property tax bills for said repairs, maintenance or improvements. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect between the developer and the Monterey County Water Resources Agency shall be entered into concurrent with the filing of the Final Map of the first phase of the subdivision. (Water Resources Agency)

#### **DRAINAGE & FLOOD CONTROL**

24. A drainage plan shall be prepared by a registered civil engineer to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency and m.m. 5 & 13)
25. Drainage facilities shall be designed and constructed in Cañada de la Segunda, and under Carmel Valley Road and on to the Carmel River, in accordance with the Lower Carmel Valley Master Plan of Drainage. Drainage improvements on the property south of Carmel Valley Road shall include a flood channel and detention basin along the eastern boundary of Williams Ranch Road from Carmel Valley Road to Carmel River subject to the approval of the Water Resources Agency prior to filing the Final Map. (Water Resources Agency and m.m. 14)
- 25a. Applicant shall use best management practices to reduce downstream contamination from on-site urban contaminations. (Water Resources Agency)
26. For the parcel(s) located within the 100-year floodplain, the property owner(s) shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency).
27. Stormwater detention/sediment retention ponds shall be constructed in accordance with plans prepared by a registered civil engineer and the ponds shall be fenced for public safety, if necessary. (Water Resources Agency & m.m. 12)



28. Flood control improvements shall be constructed to divert the 100-year flood flows around the "Stone House" in accordance with engineered plans. (Water Resources Agency & m.m. 17)
29. The developer shall enter into an agreement with the Water Resources Agency and the Public works Department to construct culverts under Carmel Valley Road at the mouth of Cañada de la Segunda. (Water Resources Agency)
30. The developer shall apply to the Monterey Peninsula Water Management District (MPWMD) for a River Work Permit for any proposed alteration of the portion of the Carmel River riparian corridor that is within twenty-five (25) feet of the ten year flood line. (Monterey Peninsula Water Management District)

#### FIRE PROTECTION

31. Provide fire flow as required by the Residential Subdivision Water Supply Standards unless otherwise approved by the local fire protection agency. Submit plans to the local fire protection agency for review and approval prior to construction of the system. Provide a letter to the Director of Environmental Health from the local fire protection agency 30 days prior to filing the Final Map that the proposed fire flow meets applicable standards. (Environmental Health)
32. Prior to filing the Final Map, the applicant shall file the necessary applications with the Mid-Carmel Valley Fire Protection District and the Monterey County Local Agency Formation Commission and obtain approval for annexation to the Mid-Carmel Valley Fire Protection District. The applicant shall pay the annexation and Fire District fees in accordance with District Ordinance Nos. 88-3 and 92-1 regarding annexations. The final development plan shall conform to the District's standards prior to filing the Final Map. (Local Agency Formation Commission, Mid-Carmel Valley Fire Protection District & m.m. 59)
33. The project map and development plans shall follow requirements of the Uniform Fire Code, the Monterey County General Plan, Ordinance 3600, Fire District Ordinances and other applicable ordinances at time of check for:
  - a) Access and Roads
  - b) Emergency Water Supply
  - c) Signing and Building Numbering
  - d) Fire Breaks and Greenbelt
  - e) Class A Roofing
  - f) Residential Sprinklers



**Specifics:** Hydrants to be wet barrel with individually gated 4 1/2" and 2 1/2" NST outlets.

Water pumps to have emergency power back-ups, tested and maintained on a regular basis capable of providing the required fireflows and duration.

- g) Defendable Space - each lot is to achieve a defendable space. Examples of this are constructing with non-combustible materials or fuel load modification programs. The existing vegetation is highly desirable in many locations and its disturbance is to be avoided in these areas. Applicant shall submit to the Fire District prior to filing the Final Map, the specific criteria for the achievement of the "defendable space plan." any significant deviations from the defendable space plan will require separate review and approval by the Fire District prior to development on that lot.

Conduct meetings with Fire District during planning and construction phases of development to insure requirements are satisfied. (Mid-Carmel Valley Fire Protection District)

#### **WATER SERVICE**

- 34. (A) Prior to recordation of the Final Map, the applicant shall submit documentation that all necessary applications have been made to the appropriate agencies to form a privately owned public water system for the subdivision. Otherwise, the applicant shall provide evidence that the subdivision has been annexed into the Cal-Am Water Company service area. (Environmental Health & m.m. 51)
  - (B) If a new private water system shall be the water purveyor, prior to recordation of the final map, the applicant shall demonstrate a pre-1914, riparian, or appropriative water right as necessary to provide service to commercial, industrial, domestic, and irrigation uses with the subject property boundaries, as required by the State Water Resources Control Board. Otherwise, the applicant shall provide evidence that the subdivision has been annexed into the Cal-Am Water Company service area. (Environmental Health & State Water Resources Control Board)
35. Design the water system improvements to meet the standards as set forth in Title 22 of the California Code of Regulations subject to the approval of the Environmental Health



Department. If necessary, submit plans for the water system to Cal-Am for review and approval before building the system. (Environmental Health & m.m. 52)

36. Install or bond the approved water system improvements to and within the subdivision prior to filing the Final Map. (Environmental Health)
37. Prior to the recordation of the Final Map, the applicant shall provide documentation that the water system improvements can provide adequate State and County domestic and fire flow requirements. (Environmental Health & m.m. 51)
38. If a new private water system shall be the water purveyor, the existing on-site agricultural wells can be used as domestic and commercial water supplies, provided the applicant provides evidence, subject to the review and approval of the Director of Environmental Health, that the wells meet water quality, quantity, and construction standards as set forth in Title 22 California Code of Regulations. Otherwise, the CC&Rs and/or other applicable documents shall specify that the existing on-site agricultural wells shall be used only for agricultural purposes, landscape irrigation, and other subpotable uses. The CC&Rs are subject to the approval of the Directors of the Planning and Building Inspection Dept., Environmental Health and the Water Resources Agency prior to recordation of the Final Map. (Planning & Building Inspection, Environmental Health, and m.m. 53 & 57)

#### WATER CONSERVATION

39. The CC&Rs shall contain provisions that all new construction shall incorporate the use of low water use plumbing systems and fixtures and that landscaping shall be required at the time of construction with drought tolerant plants and water efficient irrigation systems in accordance with County Water Resources Agency Ordinance #3539; the front yards of all homes shall be landscaped at the time of construction; low water use or drought tolerant plants shall be used together with water efficient irrigation systems; turf grass shall be limited to 15% of the entire landscaped area for single family residences. Area may be increased to 25% if a drought tolerant species is used. The CC&Rs shall also note that landscape plan approval and implementation is required by the County of Monterey Planning and Building Inspection Department prior to final clearance of any building permit. (Water Resources Agency and m.m. 54)

#### WASTEWATER SERVICE AND TREATMENT

40. Plans for the sewage disposal system shall be submitted to and approved by the Director of Environmental Health and shall



include redundancies as required. (Environmental Health & m.m. 55 and 56)

41. The operator of the treatment system shall be licensed by the State of California and be qualified to supervise all regular operation, maintenance, testing, and reporting to appropriate health and water quality control agencies. (Environmental Health)
42. Wastewater shall not be permitted to flow, seep, or drain into any waterway or drainage channel. A continuous program of rodent control and pond berm inspection shall be maintained. (Environmental Health)
43. Wastewater applied as landscape, pasture or crop irrigation must meet or exceed the requirements of Title 22 of the California Code of Regulations. (Environmental Health)
44. Reclaimed wastewater used for irrigation shall be maintained in the designated irrigation areas at all times which are fenced and posted at frequent intervals. Reclaimed wastewater shall not be applied within 50 feet of any residence or food service establishment and in no case shall cross property lines. (Environmental Health)
45. Storage of treated wastewater shall be provided for up to a period of 120 days. All wastewater storage ponds shall be lined with impervious lining. Ponds shall be posted at frequent intervals around the periphery indicating that they contain wastewater. An emergency storage pond with a capacity for at least 3 days storage shall be provided. (Environmental Health)
46. The water supply providing make-up irrigation water, if necessary, shall be adequately protected from contamination with reclaimed water by adequate backflow prevention devices. (Environmental Health)
47. The developer shall provide an alarm system which is connected to the appropriate public safety organization and the developer shall provide standby power for the on-site treatment and wastewater irrigation system. (Environmental Health)
48. Sludge shall be trucked off-site to a suitable location approved by the Director of Environmental Health. (Environmental Health)
49. A wastewater discharge permit from the Regional Water Quality Control Board shall be obtained for an on-site treatment and reclamation facility. (Environmental Health)



50. The treatment, storage and use of wastewater shall be in accordance with all Federal, State and local standards. (Environmental Health)
51. Developer shall comply with Title 19 of the California Code of Regulations Subchapter 3 and Health and Safety Code Chapter 6.95 as approved by the Director of Environmental Health. (Hazardous Material Registration and Business Response Plan) (Environmental Health)
52. Mosquito control measures for the reservoir shall be designed in keeping with standard practices of mosquito abatement and control for open spaces. (Environmental Health)
53. The developer must construct or bond the wastewater treatment facility within the subdivision and any appurtenances needed prior to filing the Final Map. (Environmental Health)
54. The effluent spray irrigation areas must be identified with appropriate easements. The mechanism for long-term disposal of effluent, operations, maintenance, agreements, etc. must be developed prior to filing the Final Map. (Public Works)
55. The applicant shall be responsible for obtaining all necessary permits for the sewage treatment facility and associated irrigation fields. (Public Works)
56. All sewage facilities must be designed in compliance with the County's Standard Specifications for sewage facilities. Special attention of the Engineer should be directed to the standards with regard to curving alignments. The treatment system must be reviewed by a third party Sanitary Engineer paid for by the developer. (Public Works)
57. Prior to recordation of the Final Map, the project site shall be annexed to the appropriate County Services District for sewer service. (Environmental Health & m.m. 55A)
58. Prior to issuance of any building permit, the reclaimed wastewater reservoir and dam shall require final geologic engineering and shall be designed to withstand seismic shaking in accordance with recommendations by an engineering geologist qualified in dam and reservoir designs and subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection and m.m. 2 & 7)

#### NOISE ABATEMENT

59. Construction activities shall be restricted to the hours between 8: 00 a.m. and 5: 00 p.m, Monday through Friday, where construction noise may effect neighboring residences. (Planning and Building Inspection & m.m. 47)



60. All construction equipment utilizing internal combustion engines shall be required to have mufflers which are in good condition. A note to this effect shall be included on the improvement plan prior to filing the Final Map. (Planning and Building Inspection & m.m. 48)

#### CARMEL VALLEY ROAD IMPROVEMENTS & PUBLIC WORKS

61. The developer shall pay a traffic impact fee toward developer funded Carmel Valley Road/Highway 1 intersection traffic improvements. Payment shall be in a form and amount acceptable to the County Department of Public Works prior to recordation of the Final Map. (Public Works & m.m. 44)
62. Provide a right-turn deceleration taper on Carmel Valley Road at both project entrances. Acceleration tapers are also required at project entrances subject to the approval of the Public Works Department prior to filing the Final Map. (Public Works and m.m. 43)
63. Provide an eastbound left-turn lane with 50 feet of storage and 315 feet deceleration length on Carmel Valley Road at the proposed Cañada de la Segunda entrance/Valley Greens Drive intersection. Provide a westbound left-turn lane with 50 feet of storage and 315 feet of deceleration length on Carmel Valley Road at Williams Ranch Road which serves the commercial portion of the Cañada Woods development. These improvements are subject to the approval of the Director of Public Works prior to filing the Final Map. (Public Works & m.m. 42)
64. The developer shall pay a traffic impact fee which will be used to fund Carmel Valley Road traffic improvements as required by the County pursuant to Board of Supervisors Resolution 92-395. Payment shall be in a form and amount acceptable to the County Public Works Department prior to recordation of the Final Map. (Public Works & m.m. 40)
65. Prior to construction of residences or facilities to the north of Carmel Valley Road, the developer shall pave and finish improvements to the driveway from Carmel Valley Road to at least 100 feet north of the existing turnoff to neighboring residences to the west. Neighbors to the west shall be notified at least 30 days prior to construction of the driveway improvements. Said improvements shall be included on the improvement plan prior to recordation of the Final Map and shall be subject to the approval of the Directors of the Planning and Building Inspection and Public Works Departments. (Public Works, Planning and Building Inspection & m.m. 43A)
66. That the subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company, Pacific Bell Company, and



Water Company. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. (Public Works)

67. All material necessary to present the subdivision to the Board of Supervisors shall be submitted in final form to the County Surveyor one month prior to the presentation. (Public Works)
68. The initial submission of the improvement plans for checking shall be in complete form and accompanied by all required reports. The initial submission of the Final Map shall be in complete form and accompanied by the traverse sheets and map checking fees. (Public Works)
69. If required, the subdivider shall request annexation to the applicable County Service Areas prior to filing of the Final Map. (Public Works)
70. The subdivider shall pay for all maintenance of storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors as completed in accordance with the agreement and:
  - a) Until July 1st of the year from which 50% of the lots have dwellings completed for occupancy and carried on the assessment roll, and legal authorization to collect sufficient taxes to support the services is obtained, or
  - b) Until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)
71. That all natural drainage channels be designated on the final map by easements labeled "Natural Drainage Easements." (Public Works)
72. That a drainage report be submitted for approval of the Public Works Director and Water Resources Agency. The report is to include and show all tributary areas and information pertinent to the drainage in the area. (Public Works)
73. Where cuts or fills at property line exceed 5 feet, driveways shall be rough graded in when streets are rough graded, and positive drainage and erosion control provided. (Public Works)
74. That all graded areas of the street right of way be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following:



- a) That the cut and fill slopes can be stabilized.
  - b) Specific method of treatment and type of planting, by area, for each soil type and slope' required to satisfy Item a.
  - c) Type and amount of maintenance required to satisfy Item a. (Public Works)
75. That cut and fill slopes not exceed 1-1/2 to 1 except as specifically approved in concurrence with the erosion control report and as shown on the erosion control plan. Slope rounding shall be a minimum of 10 feet by 10 feet and include replacement of topsoil. (Public Works & m.m. 4)
76. That street cross sections at 50 foot intervals be submitted to the County Surveyor with the improvement plans. Slope easements may be required. (Public Works)
77. That utility services be located within the area of rough graded driveways to eliminate trenching through cut slopes where possible. (Public Works)
78. That the roads be designated on the final map as follows:  
"Private Roads." (Public Works)
79. That a sign be placed at the subdivision entrance indicating that all roads are private. (Public Works)
80. That Williams Ranch Road and Emily Lane be constructed in accordance with the loop or cul-de-sac street section - 30 feet of pavement curb face to curb face. (Public Works)
81. That Cañada de la Segunda be paved to a width of 24 feet plus drainage control. (Public Works)
82. That all 30 foot R.U.E. be paved to a minimum width of 12 feet plus drainage control. (Public Works)
- 82a. That the proposed roads be constructed in accordance with the typical sections shown on the Vesting Tentative Map. (Public Works)
83. Provide for bicycle access within the subdivision subject to the approval of the County Surveyor. This may require additional paving to the typical section. (Public works)
84. That Este Madera and Alta Madera be constructed in accordance with the typical section. (Public Works)
85. That the proposed road names be approved by the County. (Public Works)



86. Construct left turn channelization on Carmel Valley Road at Cañada de la Segunda including tapers. (Public Works & m.m. 42)
87. That Cañada de la Segunda at Carmel Valley Road be approved by the Department of Public Works. (Public Works)
88. Dedicate to the County the area within the official plan line. (Public Works & m.m. 41)
89. Construct a two way left turn lane on Carmel Valley Road from Valley Greens Drive through the intersection of Meadows Road. This may require acceleration and deceleration tapers. (Public Works)
90. That a County Service Area or other governmental entity be created to own and operate the sanitary sewer collection system and treatment plant prior to the filing of the Final Map. The design will be subject to County review and approval, including a third party engineer who will be reimbursed by the developer. (Public Works)
91. Dedicate to the County of Monterey a 1-foot non access strip along the westerly boundary of the subdivision south of Carmel Valley Road as shown on the Tentative Map. (Public Works)
92. The developer shall work with County Counsel to establish appropriate conditions to require an easement on Cañada de la Segunda Road if necessary. (County Counsel)

#### RIDING & HIKING TRAILS & PARKS

93. The developer shall irrevocably offer to dedicate to the County of Monterey, concurrently with the recordation of the Final Map, certain trail easements over the southern portion of the Cañada Woods Subdivision for purposes of public recreational trail access.
  - a) Public Trail Access over the Southern Portion of Cañada Woods Subdivision:
    - 1) A fifteen (15) foot public trail easement designated as the "Frontage Trail," generally following an alignment parallel to Carmel Valley Road from Cypress Lane toward Valley Greens Drive and primarily used for bicycle access.
    - 2) A fifteen (15) foot public trail easement designated as the "River Trail", generally running parallel and adjacent to the Carmel River.
    - 3) A public access easement located within the proposed 60-foot road and utility easement over



Williams Ranch Road for purposes of allowing public access from Carmel Valley Road to the River Trail. (Monterey County Parks)

94. All public trail access within Cañada Woods Subdivision shall remain closed to the public until such time as: 1) the County accepts said trail easements under the terms and conditions of an Irrevocable Offer to Dedicate, and 2) the County Parks Department has prepared a Comprehensive County-wide Trails Management Plan for approval by the Board of Supervisors. (Monterey County Parks)
95. No development, with the exception of the riding and hiking trail, drainage facilities and crossings, shall occur within the riparian corridor of the Carmel River. (Planning and Building Inspection & m.m. 18)
96. The applicant shall comply with the recreation requirements contained in Section 19.12.010 of the Subdivision Ordinance (Title 19, Monterey County Code) prior to filing the Final Map. (Monterey County Parks)

#### CRIME PREVENTION

97. Incorporate the following measures in the CC&Rs for the development or the Homeowners' Association rules and regulations subject to the approval of the Monterey County Sheriff's Office, Crime Prevention Unit:
  - a. Levels of lighting, although muted to conform to the rural residential setting, shall be incorporated into the project design to facilitate visibility for patrol officers.
  - b. Landscaping shall not limit visibility of homes for patrol purposes and residential security.
  - c. Numbering shall be consistent, and a street guide shall be provided at the entrance to the project.
  - d. Numbering of homes shall be at least four inches in size and provide a light-on-dark or dark-on-light contrast for improved visibility.
  - e. Doors surrounded by glass shall be equipped with double cylinder deadbolts. Single-cylinder deadbolts shall be placed on all other doors. Sliding glass doors shall have auxiliary locks and window construction shall also incorporate a secondary auxiliary locking device.
  - f. Residents who intend to incorporate alarm systems into their homes shall, from the outset, be advised of Sheriff's Department and Communications Department (911 services) policies and asked to consult with the representatives of these two departments prior to installation. According to County Ordinance, alarm systems shall be registered with the Sheriff's



Department prior to installation. (Planning and Building Inspection and a recommendation included in the EIR)

#### UTILITIES

98. A note shall be placed on the Final Map indicating that "underground utilities are required in this subdivision in accordance with Chapter 19.12.140 (M) Title 19 of the Monterey County Code." The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. The improvement plan for the subdivision shall indicate the location of the underground utilities subject to the approval of the Directors of Planning and Building Inspection and the Public Works Department prior to filing the Final Map. (Planning and Building Inspection)

#### INCLUSIONARY HOUSING

99. The applicant shall comply with the requirements of the Inclusionary Housing Ordinance prior to filing the Final Map. (Planning and Building Inspection Department)

#### CONDITION MONITORING

100. The subdivider shall submit an agreement for the ongoing monitoring of Conditions 4, 5, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 23A, 33G, 38, 39, 41, 42, 43, 44, 46, 47, 48, 49, 52, 59, 60, and 74 subject to the approval of the Director of Planning and Building Inspection prior to filing the Final Map. The monitoring agreement shall be in accordance with the mitigation monitoring program included in the Final EIR and shall be recorded concurrently with recordation of the Final Map. (Planning and Building Inspection)

#### INDEMNIFICATION

102. The property owner agrees as a condition of the approval of this Standard Subdivision, which includes a Vesting Tentative Subdivision Map, that it will pursuant to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for in Government Code Section 66499.37. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the filing of the Final Map, whichever occurs first. The County shall promptly notify the subdivider of any such claim, action or proceeding and the County shall cooperate



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

#### PERMIT APPROVAL NOTICE

103. The applicant shall record a notice which states: 'A Combined Development Permit PC - 95065 was approved by the Monterey county Board of Supervisors Assessor's Parcel Numbers 16901100400; 1690110050 169221008000; 169221013000; 169221015000; 169221016000; 169-011-011-000; 169-011-017-000 on August 22, 1995. The permit was granted subject to 131 Conditions of Approval which run with the land. A copy the permit is on file with the Monterey County Planning Building Inspection Department. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Build Inspection)

- II. CONDITIONS FOR THE GENERAL DEVELOPMENT PLANS FOR COMMERCIAL DEVELOPMENT ON PARCELS C, D, E, F AND G; USE PERMIT FOR SERVICE CENTER, OFFICES, SHERIFF'S SUBSTATION, R.V. STORAGE MINI-WAREHOUSE STORAGE FACILITIES, LAUNDRY FACILITIES AND EMPLOYEE HOUSING ON PARCELS C AND D; USE PERMIT FOR PROFESSIONAL OFFICES ON PARCEL G; ADMINISTRATIVE PERMIT TO CONVERT A FARM STAND TO A CONVENIENCE STORE

#### PARCEL G

104. Prior to or concurrent with recordation of the final map initiation of the use, the applicant shall record a deed restriction which limits the use of Parcel G to profession offices for the project developer, management and maintenance of the commercial and residential areas, homeowner's association office, project sales office, nursery for on-site landscape improvements, and continuation of the existing residential use. Use of Parcel G shall not be open the general public. This restriction shall run with the land in perpetuity. (Planning and Building Inspection)

#### PARCELS C AND D

105. The Use Permit for Parcels C and D allows for a service center (including shops for tradesmen such as a welding shop), offices, sheriff's substation, enclosed R.V. storage mini-warehouse storage facilities, laundry facilities, and rental housing. Other uses may be allowed but are subject to permit requirements in Title 21. (Planning and Building Inspection)



106. The applicant shall comply with Title 19 of the California Administrative Code, Subchapter 3, Health and Safety Code Chapter 6.9.5 (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Environmental Health)

#### PARCEL F

107. Products sold in the convenience market on Parcel F are limited to agricultural products, baked goods, and other miscellaneous items provided the products do not exceed 10 percent (which in this case totals 60 square feet) of the display area. The sale of alcoholic beverages is prohibited. (Planning and Building Inspection)

#### DESIGN REVIEW

108. All structures, signs and fences are subject to design review prior to issuance of any building permit. Materials and colors used in construction shall be selected for compatibility both with the structural system of the building and with the appearance of the building's natural surroundings. If applicable, earthtone colors may be required. The proposed commercial structures shall follow a rural agricultural theme. Existing vegetation shall be maintained to the greatest extent possible to soften or screen the appearance of the buildings. Mechanical apparatus associated with the commercial buildings shall be screened. (Planning and Building Inspection Department & m.m. 35-33)
109. The location, type and size of all antennas, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)

#### LIGHTING

110. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures subject to the approval of the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
111. Any street lights in the development shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)



## HOURS OF OPERATION

112. Limit hours of operation for the commercial use as follows.  
Note: these are maximum hours of operation. Expected times would be 8:00 a.m. to 5:00 p.m., Monday - Friday, with the exception of the convenience market.

- A. Service Center (Parcel C & D): 7:00 am - 7:00 pm  
(maximum 6 days a week)
- B. Convenience Market (Parcel F): 10:00 am - 7:00 pm (7 days a week)
- C. Service Center for Subdivision (Parcel G): 7:00 am - 7:00 pm (maximum 6 days a week) (Planning and Building Inspection & m.m. 49)

## PARKING

113. The parking layout shall be approved by the Director of Planning and Building Inspection and the Director of Public Works, prior to the issuance of building permits or commencement of the approved use. (Planning and Building Inspection)

## BICYCLE STORAGE

114. Prior to final clearance of any building permits for the commercial center, the applicant shall provide storage facilities for bicycles in proximity to the bus stop. Location and design of the bicycle storage are subject to the approval of the Director of Planning and Building Inspection and the Director of Public Works. (Planning and Building Inspection)

## EROSION CONTROL

115. All cut and/or fill slopes exposed during the course of all construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Building Inspection. Provisions for the ongoing maintenance of the erosion control plantings shall be included in the CC&Rs. (Planning and Building Inspection)

116. The improvement and grading plans for the subdivision improvements and construction on each parcel shall include a comprehensive drainage plan and the specific plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting is established, consistent with Monterey County's



Erosion Control Ordinance. For necessary grading operations, the smallest practical area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable amount of time. Other erosion control measures include, but are not limited to, stockpiling of soils during construction to prevent deposition into drainages and temporary detention of runoff. Recommendations contained in the preliminary erosion control plan prepared for this project and included in this condition shall be incorporated in the improvement and grading plans. Similar language shall be incorporated in the CC&Rs for development on each lot. Language shall also be included for the ongoing maintenance of erosion control plantings. The documents shall be approved by the Director of Planning and Building Inspection, Water Resources Agency and the Director of Public Works. (Planning and Building Inspection and m.m. 10, 11 and 19)

#### LANDSCAPING

117. At least three weeks prior to occupancy, three copies of a landscaping plan and fees for landscape plan review shall be submitted to the Director of Planning and Building Inspection for approval. The landscaping plan shall be in sufficient detail to identify the location, specie and size of the proposed landscaping materials. Said plan shall include provisions for removal of Genista (Broom) and/or Cortaderia jubata (pampas grass) existing in the area to be landscaped. In addition, landscaping shall include Valley oaks on the flood plain terrace as well as erosion control measures and native, drought tolerant and fire resistant materials. Landscaping shall be installed prior to occupancy. (Planning and Building Inspection)
118. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. Provisions for the maintenance of landscaping and erosion control plantings shall be incorporated in the CC&Rs. (Planning and Building Inspection)
119. Native drought tolerant plant seeds and materials shall be used in all revegetation landscaping associated with improvements to the subdivision. Landscaping is also required to screen and soften the appearance of the proposed sewage treatment facility. These materials and a schedule for implementation shall be included on the improvement plans and are subject to the approval of the Director of Planning and Building Inspection prior to filing the Final Map. (Planning and Building Inspection & m.m. 20 & 21)



## DRAINAGE

120. Stormwater runoff shall be routed through grease traps to remove urban pollutants. Containment structures or other measures shall be required to control the runoff of pollutants. The discharge of substances from the planned commercial uses into the sewer system that would result in the degradation of water quality (e.g., oils, grease, solvents, etc ... ) is prohibited. (Planning and Building Inspection Department & m.m. 58)

## WATER CONSERVATION

121. The applicant shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
- a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 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.
  - 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, Planning and Building Inspection)

## AIR POLLUTION/DUST CONTROL

122. Dust control measures, as recommended by the Monterey Bay Unified Air Pollution Control District and required by state law, shall be implemented to reduce fugitive dust emissions at the site. These include, but are not limited to, the following:
- a) provide equipment and manpower for watering of all exposed or disturbed earth surfaces at least twice daily. The use of subpotable water is preferred.
  - b) cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.
  - c) sweep construction areas and adjacent streets of all mud or dust daily or as needed.
  - d) landscape or cover completed portions of the site as soon as construction is complete in that area.

A note regarding dust control measures shall be included on the Subdivision Improvement Plan subject to the approval of



the Directors of Planning and Building Inspection and Public Works prior to filing the Final Map. (Planning and Building Inspection Department & m.m. 46)

#### UTILITIES

123. All utilities required to serve the commercial center and the employee housing, located on the project site, shall be underground. (Planning and Building Inspection)

#### INCLUSIONARY HOUSING

124. The applicant shall comply with the requirements of the Inclusionary Housing Ordinance prior to issuance of any building permits for the commercial development. (Planning and Building Inspection)

#### MONITORING AGREEMENT

125. Prior to recordation of the Final Map, the applicant shall submit an agreement which includes a procedure and program for Monitoring Conditions 107, 108, 109, 110, 112, 115, 116, 117, 118, 119, 120, 121, and 122 subject to the approval of the Director of Planning and Building Inspection. The monitoring agreement shall be consistent with the monitoring program included in the Certified Final EIR and shall be recorded prior to recordation of the Final Map. (Planning and Building Inspection)

#### INDEMNIFICATION

126. The property owner agrees as a condition of the approval of this permit to defend at his/her sole cost expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his/her obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to issuance of building permits or use of property, whichever occurs first. (Planning and Building Inspection)

#### WATER SERVICES

127. The proposed service area boundary and number of water system connections shall be limited to those areas and uses approved as part of this Combined Development Permit. (Environmental Health)



128. The chlorine storage/treatment unit shall be subject to the review and approval of the Director of Environmental health and the appropriate Fire Agency. Submit improvement plans and operations plans for review and approval.  
(Environmental Health)
129. The monitoring agreement required pursuant to Condition 100 of Board Resolution No 95-384 shall include a provision which ensures the ongoing watering of the riparian vegetation adjacent to the farmland. (Planning & Building Inspection & m.m. 1 of the Addendum)

**PARCELS N AND O**

130. Prior to or concurrent with recordation of the Final Map or initiation of the use, the applicant shall record a deed restriction which limits the use of Parcel N to structures, facilities and uses necessary to maintain and manage the project. Use of Parcel N shall not be open to the General Public. (Planning & Building Inspection)
131. Prior to or concurrent with recordation of the Final Map or initiation of the use, the applicant shall record a deed restriction which limits the use of Parcel O to structures, facilities and uses necessary to provide recreation for the project. Use of Parcel O shall not be open to the General Public. (Planning & Building Inspection)

Upon motion of Supervisor Karas seconded by Supervisor Pennycook, by the following vote to-wit:

AYES: Supervisors Salinas, Pennycook, Perkins, Johnsen and Karas.

NOES: None.

ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby Certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page    of Minute Book 8 on August 22, 1995.

Dated: August 22, 1995

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

By: Nancy Lukenbill  
Deputy