

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**BANKER'S DEVELOPMENT GROUP, LLC (PLN100020)**

**RESOLUTION NO. 11-033**

Resolution by the Monterey County Planning  
Commission Recommending that the Board of  
Supervisors:

- A. Adopt the Negative Declaration;
- B. Approve the General Plan Amendment amending  
the General Plan designation from  
Public/Quasi-Public (PQP) to Rural Density  
Residential (RDR) on a portion of the  
Monterra Ranch (a portion of Parcel H).
- C. Approve the Combined Development  
Permit consisting of:
  - 1) A Vesting Tentative Map for the re-  
subdivision of Monterra Ranch Final Map  
Phases 6, 8 & 10 consisting of the  
reconfiguration of 24 residential lots  
(Phase 6: Lot 44 Remainder; Phase 8: Lots  
164 - 171; Phase 10: Lots 5-10, 117 -122,  
Ranch Lots 1, 3 and 4), 3 open space  
parcels (Phase 8: Parcels A, B & C), 1  
scenic easement parcel (Phase 10, Parcel  
H), and 3 road and utility parcels (Phase 6:  
Parcel R2; Phase 8: Parcel L; Phase 10:  
Parcel M);
  - 2) Use Permit for tree removal for subdivision  
improvements only (not for building  
envelopes);
  - 3) Administrative Permit for grading of less than  
131,100 cubic yards (70,500 cubic yards cut  
and 60,600 cubic yards fill) in a Visually  
Sensitive District; and
  - 4) Use Permit for development on slopes greater  
than 25 percent.
- D. Adopt the Mitigation Monitoring and  
Reporting Plan.

[PLN100020, Banker's Development Group, LLC,  
South of the Intersection of Highway 68 and York  
Road, Monterey, Greater Monterey Peninsula Area  
Plan (APN: 259-092-072-000, 259-092-075-000,  
259-191-023-000, 259-191-024-000, 259-231-016-  
000 through 259-231-026-000, 259-231-028-000,  
259-241-001-000, 259-241-004-000, 259-251-001-  
000 through 259-251-014-000)]

The York Highlands application (PLN100020) came on for public hearing before the Monterey County Planning Commission on September 28, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

## FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies, which designate this area as appropriate for development.

**EVIDENCE:** a) Consistency During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 2010 Monterey County General Plan;
- Monterey County Zoning Ordinance (Title 21); and
- Monterey County Subdivision Ordinance (Title 19).

All potential conflicts with the above listed documents have been resolved (see evidences that follow). No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents. The Monterra Ranch subdivision was approved under the 1982 General Plan and final maps were recorded that created the lots herein being re-configured or re-subdivided. No additional lots are being created and the revised lot configuration will better meet the Monterey County goals and policies relative to tree removal and development on slopes.

- b) Land Use The project area contains 3 different Land Use designations as shown in Figure No. LU5. A small area along Highway 68 south of the York Road entrance is designated Resource Conservation (RC), a larger area where the Equestrian center was contemplated under the original Monterra Ranch subdivision is designated Public/Quasi-Public (PQP), and the remaining property is designated Rural Density Residential (RDR). The original lot configuration contained lots that were located entirely within the RDR designation and the re-subdivision would place new building envelopes in both the RDR and PQP designated areas of the site. The PQP designation does not allow for the intended residential use so a General Plan amendment is required based on the proposed lot design. By amending the General Plan designation on the former equestrian site from PQP to RDR, an equestrian center will no longer be a part of the Monterra Ranch subdivision. The proposed map will be consistent with the General Plan Land Use Map when the General Plan Amendment becomes effective. A condition has been added to not record a map until the Land Use is amended.
- c) Zoning The property is located South of the Intersection of Highway 68 and York Road, Monterey (Assessor's Parcel Number 259-092-072-000, 259-092-075-000, 259-191-023-000, 259-191-024-000, 259-231-016-000 through 259-231-026-000, 259-231-028-000, 259-241-001-000, 259-241-004-000, 259-251-001-000 through 259-251-014-000) within the Greater Monterey Peninsula planning area. The project involves a merger and re-subdivision of 24 lots within the Monterra Ranch

subdivision. The intended residential use of the lots will not change. Unlike the General Plan designation, the parcels all share the same base zoning designation of "RDR/10-UR" (Rural Density Residential, 10 acres per unit with an Urban Reserve overlay). In addition to the base zoning and the Urban Reserve combining district, all of the subject lots have either a "VS" (Visual Sensitivity) overlay or a "D" (Design Control) overlay depending on the lots proximity to Highway 68 (See Figure No. 14 of the GMPAP). The RDR/10 zoning designation allows residential uses at a density of 10 acre per unit. The project is for residential purposes and the density of the proposed project is approximately 50 acres per unit. Therefore, the project complies with the zoning designation.

- d) Visual Sensitivity The project includes the creation of parcels in a Visual Sensitivity (VS) zoning area. Policy GMP-3.3 of the 2010 General Plan strongly discourages new development within visually sensitive areas; however an exception can be made where appropriate to maximize the goals, objectives, and policies of the General Plan. In this case, the proposed project qualifies for such exception because the revised lot configuration will require less development on slopes (Policy OS-3.5), removal of fewer trees (Policy GMP-3.5), and less grading. Where an exception can be made, development must be sited in a manner that minimizes visible effects of development to the greatest extent possible using a variety of techniques. Many of reconfigured lots will be located outside the visually sensitive area and many of the lots within the mapped visually sensitive area will not be visible from Highway 68 due to existing topography and vegetation with the exception of proposed Lots 2, 6, and 44. Lots 2 and 6 have been adjusted but are still located near the top of a ridge and development on these lots could be visible from Highway 68. Lot 44 is located on a slope that faces Highway 68 and may be highly visible from Highway 68. This location was selected because it is currently used as a borrow site for on-going subdivision improvements. The borrow site is already highly disturbed and has an access road already graded making it a sensible building site from an environmental perspective. All three lots have been evaluated and specific design criteria including a three dimensional building envelopes and landscape screening have been developed for all three lots. The special 3-dimensional envelopes and landscaping requirements will minimize visibility of future development to a point where structures will be inconspicuous when viewed from Highway 68 (Condition No. 22). All of the building envelopes will be on slopes of 25% or less and all areas outside of the building envelopes will be placed in a Conservation and Scenic Easement. All development within the VS zoning district is subject to Chapter 21.46 of the zoning ordinance Title 21.
- e) Urban Reserve Pursuant to General Plan Policy LU-2.15 and Section 21.50.030.C of the Zoning Ordinance (Title 21), the project was referred to the City of Monterey for review and comment. The City of Monterey commented that they have no issue with the proposed project.
- f) Design Control No structures are proposed at this time but all future development will subject to the Chapter 21.44 of the Zoning Ordinance

(Title 21).

- g) General Plan Policies In addition to specific policies quoted in the preceding evidences, the merger and re-subdivision project has been evaluated for consistency with relevant General Plan Policies. Some policies are complied with through carrying forward conditions and mitigations from the Monterra Ranch subdivision such as lighting requirements and are not described here again. It is also acknowledged that policy language on subjects such as traffic, water, and public services may have changed in regulatory nature but the project is not proposing to change or intensify the nature of the use of the project and therefore some of these policies are not affected as there will be no change from the baseline conditions (same number of lots with same intended use). Other more specific policies applicable to the proposed project are described in the evidences that follow.
- h) LU-1.7 Policy LU-1.7 strongly encourages clustering of residential development to those portions of the property which are most suitable for development and where appropriate infrastructure exist to support the development. The same policy also allows re-subdivisions that do not increase the total number of lots without a general plan amendment. The proposed design complies with this policy even though the re-configured lot locations are of a less clustered nature because the new lot configuration reduces grading requirements, tree removal requirements and development on slopes thus placing lots in the “most suitable” location for development. The re-subdivision will not result in a greater number of lots than previously existed; therefore, evaluation pursuant to LU-1.19 (Development Evaluation System) is not necessary in this case.
- i) LU-1.8 The project is consistent with LU-1.8, which encourages voluntary reduction or limitation of development potential in rural areas through dedication of scenic or conservation easements or other appropriate techniques. This project proposes to voluntarily dedicate over 88 percent of the land area (approximately 730 acres) as scenic easement.
- j) LU-9.7 The project involves amending the General Plan designation from Public/Quasi-Public (PQP) to Rural Density Residential (RDR) on a portion of the Monterra Ranch subdivision that was contemplated to be the location of an equestrian center. The equestrian center will not be placed at this location and there is no other reason for the PQP zoning to exist at this location, therefore the amendment of the Land Use is appropriate.
- k) OS-1.5 General Plan Policy OS-1.5 requires that lot configurations avoid creating building sites that will constitute ridgeline development. Lots 2 and 6 have the potential of creating ridgeline development, but the three dimensional building envelopes, and additional screening to be placed on site will minimize to the potential for ridgeline development. To insure that ridgeline development will not occur Planning Commission review of these units is required.
- l) OS-3.5 Overall, the revised lot configuration takes advantage of existing ranch roads and minimizes grading quantities. Still subdivision improvements will occur on slopes greater than 25% in some areas. A

Use Permit to allow development on slopes greater than 25% is included in this permit and the ability to grant the Use Permit has been met (See Finding No. 6).

- m) OS-5.4 A biological report was prepared for the proposed subdivision. The biological report identified several sensitive species at or near the site but no direct impact to these sensitive species was identified. The one exception is oak woodland habitat. Overall impacts to oak woodland habitat are less severe under the proposed lot configuration; however, habitat fragmentation is slightly increased due to the dispersed lot layout. Prohibiting perimeter fencing and reducing direct impacts to oak woodlands on the balance of the parcels results in a net biological benefit to the habitat.
- n) S-3.1 A drainage plan has been prepared for the revised subdivision design by a licensed engineer. The drainage plan maintains the same method and effect required under the original design by installing detention basins that can maintain pre-development runoff rates.
- o) PS-1.1 Adequate Public Services and facilities including water and sewer are available to serve the lots in their new locations.
- p) GMP-1.4 The project is consistent with GMP-1.4, which requires development proposals to include compatible open space uses located between other developed areas in order to maintain a rural atmosphere and to protect scenic resources. As proposed, new building envelope locations will have a rural atmosphere with open space between building sites. Everything outside the revised building envelope locations will be placed in a conservation and scenic easement resulting in approximately 725 acres of open space in and around the building envelopes.
- q) GMP-1.5 The project is consistent with GMP-1.5, which identifies open space and recreational uses as appropriate and compatible land uses within areas of high visual sensitivity. Over 90 percent of the area of the site that is located within the area of high visual sensitivity is proposed to be in scenic easement. The areas not within the scenic easement consist of building envelopes for residential use that either will not be visible from major public viewing areas or have been conditioned consistent with the requirements of GMP-3.3 to remain inconspicuous when viewed from major public viewing areas.
- r) GMP-3.2 The project is consistent with GMP-3.2, which directs that development on canyon edges and hilltops be designed to minimize the visual impact of the development. Three-dimensional building envelopes and performance based design criteria are proposed for lots that have the potential for development on hillsides or hilltops (Lots 2, 6 & 44). See also Finding No. 9.
- s) GMP-3.5 The project is consistent with GMP-3.5, which discourages the removal of healthy, native oak, Monterey Pine and redwood trees within the GMP Planning Area. The proposed lot configuration will result in an approximately 20-acre reduction in oak tree removal when compared to the existing lot configuration.
- t) GMP-3.11 The project is consistent with GMP-3.11 and GMP-3.13, which encourage the acquisition and development of trails with the intent of creating a coordinated, area-wide trails system. Open space

parcels within the project area are subject to an irrevocable offer to dedicate a trail and declaration of restrictions recorded at Document 200110850 in the Monterey County Recorder's Office. Additionally, a non-standard condition has been incorporated requiring that the irrevocable offer to dedicate a trail is re-recorded and that under specified conditions, obligating the developer to construct the trail (Condition No. 64).

- u) Site Visit The project planner conducted site inspections on April 26, 2011, June 13, 2011, August 18, 2011 and August 22, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- v) LUAC The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project is subject to CEQA review. On May 4, 2011, the LUAC considered the project and heard comments from a neighbor who was concerned about impacts to Monterra residence from traffic through the subdivision. The LUAC commented that York Highlands should be a separate development from Monterra Ranch and stated a concern about congestion at the York Road intersection before recommending approval of the project by a vote of 6-0. LUAC comments were noted during review of the project.
- w) The application was heard by the Standard Subdivision Committee at a public hearing on September 12, 2011. As a technical committee, the Standard Subdivision Committee did not consider the General Plan Amendment. The Standard Subdivision Committee adopted Resolution No. 11-011 recommending that the Planning Commission approve the Combined Development Permit.
- x) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100020.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) The site was previously found suitable for development of the 24 lots in question when the Monterra Ranch subdivision was approved (Resolution No. 87-527). Lot and building envelope locations are being reconfigured within the boundaries of the previously approved Monterra Ranch subdivision. Suitability of the new lot locations has been considered. See following evidences.
  - c) Staff identified potential impacts to Biological Resources, Archaeological Resources, and Soil/Slope Stability in considering the

new building envelope locations. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the new building envelope locations are not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- York Highlands Grading letter, prepared by WWD Engineering, June 14, 2011.
  - Biological Impact Letter, prepared by Vern Yadon, Pacific Grove, California, March 11, 2011.
  - Supplemental Biological Assessment York Highlands (LIB110168), prepared by Zander Associates, San Rafael, California, May 9, 2011.
  - Geological and Preliminary Geotechnical Investigation (LIB110169), prepared by Environmental Risk Specialties Corporation, Santa Clara, California, March 31, 2011.
  - Drainage Report for York Highlands Re-Subdivision Project (LIB110170), prepared by WWD Engineering, Monterey, California, April, 2011.
  - Preliminary Cultural Resources Reconnaissance of a Portion of the Monterra Ranch, (LIB030110) Monterey, Monterey County, California, prepared by Archaeological Consulting, Salinas, California, August 21, 1989.
- d) Staff conducted site inspections on April 26, 2011, June 13, 2011, August 18, 2011 and August 22, 2011 to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100020.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, Monterey Regional Fire Protection District, Parks, Public Works, Environmental Health Bureau, Water Resources Agency, and the City of Monterey. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available. The project will be served water by the Monterra Ranch water system. Each individual lot will have a septic tank and the effluent will be processed by a sewer system, which is operated by the Canada Woods Water Company.
- c) Preceding findings and supporting evidence for PLN100020.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted site inspections on April 26, 2011, June 13, 2011, August 18, 2011 and August 22, 2011 and researched County records to assess if any violation exists on the subject property.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100020.
5. **FINDING:** **CEQA (Neg Dec)** – Prior to considering the recommendation to the Board of Supervisors, the Monterey County Planning Commission, reviewed the information contained in the Negative Declaration prepared for the project. The Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:** a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN100020). The Initial Study uses the baseline that there are 24 existing lots created as part of the Monterra Ranch Subdivision which could be developed and based upon this tiers from the previously certified EIR (No. 84-007) for the Monterra Ranch Subdivision (Board Resolution No. 87-527) for the purposes of evaluating the merger and re-subdivision. Within the same Initial Study an amendment to the General Plan land use designation is analyzed and on a stand alone basis.
- c) The Initial Study provides substantial evidence based upon the record as a whole, that impacts of the merger and re-subdivision has been examined at a sufficient level of detail in the prior Environmental Impact Report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with approval of the subject project. The Initial Study also provides substantial evidence based upon the record as a whole, that the General Plan land use designation amendment would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
- d) Issues that were analyzed in the Negative Declaration include: aesthetic resources, biological resources, cultural resources, geology and soils, hazards/hazardous materials, hydrology/water quality, land use and planning, mineral resources, and noise.
- e) Changes in the location and configuration of 24 lots and associated access roads and infrastructure, within the larger Monterra Ranch subdivision, have been proposed (Merger and Re-subdivision). An



- Initial Study was prepared for the project that tiered from the Monterra Ranch EIR. The Initial Study found no potentially significant effects from the revised lot locations. Impacts were found to be substantially the same or less than those evaluated in the previously certified EIR.
- f) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. Mitigations have been carried forward from the Mitigation Monitoring Program adopted when the Monterra Ranch Subdivision was approved (Resolution No. 87-527). The applicant must enter into a new "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
  - g) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior EIR. The proposed merger and re-subdivision of 24 lots within the larger Monterra Ranch subdivision will not result in creation of any additional lots nor extend infrastructure that could induce growth in the area. New building envelope locations, including those within the area that was previously proposed to contain an equestrian facility, will result in minor and mostly beneficial changes to the environmental impacts already considered in the certified EIR. The land use designation change in itself will not have a substantial impact on the environment.
  - h) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the EIR was certified. There have been some changes in the regulatory setting since the time that Monterra Subdivision EIR was certified; however, the new regulations and policies do not suggest that the project would have new significant impacts on the environment. Water supply, traffic, visual sensitivity, noise, air quality, biology, and a variety of other topics were considered in certifying the Monterra Ranch EIR and creating the subject lots. There is no substantial change in circumstances that would result in new impacts not previously considered in the EIR. For example, traffic was identified as a significant unavoidable impact in the EIR. This would remain true today.
  - i) The state law (PRC §21083.4) has been enacted since approval of the Monterra Ranch Subdivision. This legislation gives direction in determining significant effects on oak woodlands and providing mitigation. In this particular case the new project will result in approximately a 20 acre reduction of impacts to oak woodlands. The modified design will not constitute a significant adverse impact to Oak Woodlands.
  - j) Pursuant to CEQA Guidelines section 15126.4.c lead agencies are required to consider measures to mitigate the significant effects of greenhouse gas emissions. The proposed project is equivalent to the existing Monterra Ranch project with respect to the number of units,

and thus vehicle trips. The project will produce less greenhouse gas emissions related to the reduction in the amount of grading needed, the amount of paving provided and the amount of carbon sequestration resulting from tree removal. In 2010, amendments to the CEQA guidelines were adopted to incorporate GHG analysis in CEQA. Although evaluation of GHG impacts is now a requirement of CEQA, there has been a recent court case ruling that found that a new EIR does not need to be prepared when a project EIR was certified prior to the requirement to analyze GHG emissions (*Citizens for Responsible Equitable Environmental Development (CREED) v. City of San Diego*). In this case the court upheld the use of a 2008 addendum to a 1994 EIR used in connection with approving a revised project. The courts found that a new GHG analysis was not required because it is not new information that could not have been known in 1994 when the EIR was certified. The Court found that GHG impacts were known as early as the 1970s.

- k) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN100020) and are hereby incorporated herein by reference.
- l) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.  
The site has the potential to support Hickman's Onion and supports Oak woodland habitat. For purposes of the Fish and Game Code, the project may have an impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- m) Any comments received on the Negative Declaration during the comment period from September 8, 2011 to September 27, 2011 will be considered prior to consideration by the Planning Commission. Staff will evaluate comments and revisions to determine if any of the conditions requiring recirculation of the Negative Declaration prior to adoption are met prior pursuant to Section 15073.5 of CEQA.
- n) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING: DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and Greater Monterey Peninsula Area Plan and the

Monterey County Zoning Ordinance (Title 21) than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the authority to grant said permit has been met.
  - b) The project includes an application for development on slopes exceeding 25%. The original lot design and road improvements were proposed on slopes greater than 30% (the threshold of the 1982 General Plan). The 2010 General Plan lowered the threshold for a discretionary permit requirement to 25% slope and no specific entitlement for development on slopes was granted under the original approval but has been included in this permit under the baseline condition that included a project with development on 30% slope. As proposed, the revised lot locations avoid placing building envelopes on slopes greater than 25% and take advantage of existing ranch roads at the project site; however, road improvements will still affect slopes greater than 25%. The revised lot and infrastructure locations minimizes disturbance to slopes and better achieve the goals and policies of the 2010 General Plan by minimizing grading quantities and tree removal.
  - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100020.
  - d) The project planner conducted site inspections on April 26, 2011, June 13, 2011, August 18, 2011 and August 22, 2011.
  - e) A letter of justification for development on slopes in excess of 25% was submitted by the applicant's representative for the project. The justification provided in the letter is that there is no feasible alternative that would avoid development on slopes and that the project better achieves the resource protection goals and policies by reducing impacts to oak woodlands. Staff concurs that the new lot locations better meet the resource protection goals of the 2010 General Plan.

7.       **FINDING:**       **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:
- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
  - 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
  - 3. That the site is not physically suitable for the type of development.
  - 4. That the site is not physically suitable for the proposed density of development.
  - 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
  - 7. That the design of the subdivision or the type of improvements will

conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan, (see Finding 1).
  - b) Design. The lot designs are consistent with the Lot Design Standards of MCC Section 19.10.030. All Lots of the proposed Vesting Tentative Map meet the 5 acre minimum lot size for the Rural Density Residential zoning.
  - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding 2).
  - d) Environment. The Subdivision Ordinance requires denial of a tentative map if the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An Initial Study was prepared with a baseline of the existing 24 units from Monterra Ranch and tiered from the previously certified EIR for the Monterra Ranch subdivision. The Initial Study did not identify any new substantial environmental impacts and a Negative Declaration was circulated. The new design and improvements will not injure fish and is an improvement for habitat from the previously approved design (see Finding 5).
  - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, 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 (see Finding 3).
  - f) Water Supply. MCC Section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply with the project. The project involves relocating 24 lots within the Monterra Ranch subdivision. The use and intensity of the project will not change and water supply and demand will similarly not change. The lots will be served water by the Monterra Ranch water system that has been found to have an adequate quantity and quality of water to serve the project. (See Finding No. 3).
  - g) Sewage Disposal. MCC Sections 19.03.015.K and 19.07.020.J requires a can and will serve letter from the sewage treatment provider for projects on a sewer system. The subject project does not include new connections beyond those already approved and contemplated. The lots will continue to be connected to the Canada Woods sewage treatment plant.
  - h) Easements. The project involves an amendment to a Conservation and Scenic Easement deed in order to recognize the new locations of the building envelopes and to include all the areas outside the new building envelope locations. No other easements will be affected by the re-subdivision.
  - i) Traffic. No new lots are being created so there would be no increase in potential traffic beyond what was anticipated and evaluated in the

previously certified Environmental Impact Report (EIR) for the Monterra Subdivision. Access for the area would remain as approved, located at the York Road/State Route 68 intersection.

- j) Affordable Housing. Affordable housing has been developed for the Monterra Ranch subdivision. No new lots will be created; therefore no additional affordable units are required.
- k) Parks and Recreation. Parks and recreation requirements have been satisfied for the Monterra Ranch subdivision. No new lots are proposed and a condition that requires dedication of access for trails will continue to apply to the re-subdivision (Condition No. 64).
- l) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100020.
- m) The project planner conducted site inspections on April 26, 2011, June 13, 2011, August 18, 2011 and August 22, 2011.

8. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes application for the removal of approximately 15 acres of oak trees for subdivision improvements. In accordance with the applicable policies of the Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the authority to grant said permit has been met.
  - b) Under the previously approved design, road improvements and future development of lots would have required removal of approximately 45 acres of oak trees. This included an estimate on the acreage of oak woodland within the proposed building envelopes. As proposed approximately 7 acres of oak woodland would be within the building envelopes for a total impact of approximately 22 acres. This approval does not authorize tree removal within the building envelopes. Development of the lots within the building envelopes will be subject to individual permitting at which time tree removal standards will apply. This permit allows removal of approximately 15 acres of oaks for road and subdivision improvements.
  - c) Greater Monterey Peninsula Area Plan Policy GMP-3.5 states “Removal of healthy, native oak, Monterey pine, and redwood trees in the Greater Monterey Peninsula Area shall be discouraged.” The project proposes removal of 15 acres of oak woodland. This is a significant decrease from the tree removal implied with the approval of the previous design in keeping with the intent of the policy.
  - d) Measures for tree protection during construction have been incorporated as conditions of approval and include tree protection zones, trunk protection and monitoring and reporting requirements (See Condition No. 24)
  - e) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. There are many challenges to the project design including visual requirements, slopes, and trees. The proposed design takes advantage of existing ranch roads within the subdivision to minimize effects of road improvements on trees. The

building envelopes have also been appropriately sited to avoid slopes greater than 25% and to avoid ridgeline development.

- f) The removal will not involve a risk of adverse environmental impacts. The new lot configuration has been evaluated by a biologist. The biologist has concluded that except for a minor increase in habitat fragmentation the proposed design is biologically superior to the original lot design.
- g) Staff conducted site inspections on April 26, 2011, June 13, 2011, August 18, 2011 and August 22, 2011 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
- h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100020.

9. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for a merger and re-subdivision that would create new lots within a highly sensitive viewshed. The new lots contain building envelopes that will be the location of future development for single family purposes. The creation of new building areas within the viewshed requires a Use Permit pursuant to Section 21.46.030.D of the Monterey County Zoning Ordinance (Title 21). Future development of structures will be subject to additional review and approval.
  - b) New lot locations were staked and flagged and have been evaluated pursuant to Policies under Goal OS-1 of the 2010 General Plan, Policy GMP-3.3 of the Greater Monterey Peninsula Area Plan and Chapter 21.46 of the Zoning Ordinance Title 21.
  - c) Of the 24 relocated building envelopes proposed, three lots (Lots 2, 6, and 44) were considered to have the potential to create a substantial adverse visual impact when viewed from Highway 68. Lots 2 and 6 are proposed near the crest of a hill south of Highway 68. Those building envelope locations were slightly revised to avoid ridgeline development. Lot 44 is proposed to be located in the side of the north facing slope that is highly visible from Highway 68. The location of the building envelope was chosen because it is currently highly disturbed from the grading activities associated with subdivision road improvements. Lot 44 is void of vegetation and from that perspective is a sensible location for development. Proposed design and landscaping techniques to minimize visibility of the subject lots which include three dimensional building envelopes and native plant and tree screening. (Condition No. 22). Staff has reviewed the staking and flagging and the specific design restrictions on the subject lots. The proposed restrictions are consistent with minimization measures and techniques contained in subsection e of Policy GMP-3.3 and will render the future development compatible and inconspicuous with the visual character of the area. All other lots will not be visible from Highway 68.
  - d) For nighttime views, all exterior lighting including street lighting will be

subject to review by the Planning Department to ensure that lighting is unobtrusive and constructed so that only the intended area is illuminated, long-range visibility is avoided, and off-site glare is fully controlled in compliance with General Plan Policy LU-1.13 (Condition No's. 10 and 20).

- e) The project as proposed, conditioned, and mitigated is consistent with policies of the Greater Monterey Peninsula Area Plan dealing with visual resources. The location of the new building envelopes take advantage of existing disturbed areas such as a borrow site and existing ranch roads, avoids placing building envelopes on slopes greater than 25%, avoids ridgeline development, minimizes grading and tree removal, and with design and landscape restrictions on Lots 2, 6, and 44 minimizes impacts on the highly sensitive viewshed.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100020.
- g) The project planner conducted site inspections on site inspections on April 26, 2011, June 13, 2011, August 18, 2011 and August 22, 2011 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

10. **FINDING:** **WATER SUPPLY** – The project has a long-term water sustainable supply and manages development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

- EVIDENCE:**
- a) Potable water for the Monterra Ranch Subdivision is provided by an independent permitted large water system. The water system draws water from wells located in the Monterey Shale fractured rock formations which are geologically isolated from neighboring properties. The Monterra Ranch subdivision EIR stated that the demand to serve the newly created lots can be accommodated by groundwater contained in the fractured siltstone and that production of the net demand of 117 acre feet of water per year (afy) will have no adverse effect on developments along Highway 68 or in Seaside.
  - b) The Monterra Ranch EIR evaluated impacts based on a total of 283 lots. This number is greater than the actual number of lots that have been created within the overall subdivision and the subject re-subdivision will remain well within this number and will not increase the number of lots proposed within the subject Phase thereby not changing any water demand.
  - c) The existing water system that serves the Monterra Ranch subdivision has a sophisticated treatment system in accordance with mitigations suggested in the FEIR which has been effectively treating water to serve the development in the subdivision.
  - d) The project has been reviewed by the Water Resources Agency. Conditions recommended have been included in this permit.
  - e) The project complies with General Plan Policies PS-3.1 and PS-3.2. The project will not result in the creation of additional lots or uses that would increase water demand or substantially effect water quality both on-site and off. The subject project reconfigures already approved lots

and water for these lots will continue to be provided by the approved Monterra Ranch water system.

11. **FINDING:** **APPEALABILITY** – This application is presented for the Planning Commission to evaluate the proposed project with the technical analysis provided in the FEIR and Initial Study prepared for the project. The Planning Commission's recommendation to the Board of Supervisors cannot be appealed.
- EVIDENCE:** a) Section 21.80.040 of the Monterey County Zoning Ordinance allows any person aggrieved by a discretionary decision of an Appropriate Authority to appeal that decision to the appropriate appeal authority. The Planning Commission is making a recommendation to the appropriate authority (Board of Supervisors) and is not making any decisions on the project.
- b) Section 21.80.040 of the Monterey County Zoning Ordinance allows appeals from the discretionary decisions of the Planning Commission by aggrieved persons to the Board of Supervisors.

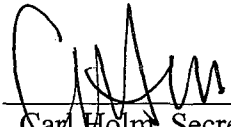
### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby recommend that the Board of Supervisors:

- A. Adopt the Negative Declaration;
- B. Approve the General Plan Amendment amending the General Plan designation from Public/Quasi-Public (PQP) to Rural Density Residential (RDR) on a portion of the Monterra Ranch (a portion of Parcel H).
- C. Approve the Combined Development Permit consisting of:
  - 1) A Vesting Tentative Map for the re- subdivision of Monterra Ranch Final Map Phases 6, 8 & 10 consisting of the reconfiguration of 24 residential lots (Phase 6: Lot 44 Remainder; Phase 8: Lots 164 - 171; Phase 10: Lots 5-10, 117 -122, Ranch Lots 1, 3 and 4), 3 open space parcels (Phase 8: Parcels A, B & C), 1 scenic easement parcel (Phase 10, Parcel H), and 3 road and utility parcels (Phase 6: Parcel R2; Phase 8: Parcel L; Phase 10: Parcel M);
  - 2) Use Permit for tree removal for subdivision improvements only (not for building envelopes);
  - 3) Administrative Permit for grading of less than 131,100 cubic yards (70,500 cubic yards cut and 60,600 cubic yards fill) in a Visually Sensitive District; and
  - 4) Use Permit for development on slopes greater than 25 percent; and
- D. Adopt the Mitigation Monitoring and Reporting Plan.

**PASSED AND ADOPTED** this 28<sup>th</sup> day of September, 2011 upon motion of Commissioner Salazar, seconded by Commissioner Brown, by the following vote:

AYES: Brown, Roberts, Rochester, Salazar, Getzelman, Mendez, Padilla  
NOES: Vandever, Diehl, Hert  
ABSENT: None  
ABSTAIN: None

  
Carl Holm, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

OCT 05 2011

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# Monterey County Planning Department

## Conditions of Approval/Mitigation Monitoring Reporting Plan

### PLN100020

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>1. <b>PD001 - SPECIFIC USES ONLY</b></p> <p>This permit for a Combined Development Permit allowing: 1) Vesting Tentative Map for the re-subdivision of Monterra Ranch Final Map Phases (Ph)6, 8 &amp; 10 consisting of the reconfiguration of 24 residential lots (Ph. 6: Lot 44 Remainder; Ph. 8: Lots 164-171; Ph. 10: Lots 5-10, 117-122, Ranch Lots 1, 3 &amp; 4), 3 open space parcels (Ph. 8: Parcels A, B &amp; C), 1 scenic easement parcel (Ph. 10, Parcel H), &amp; 3 road &amp; utility parcels (Ph. 6: Parcel R2; Ph. 8: Parcel L; Ph. 10: Parcel M); 2) Use Permit for tree removal for subdivision improvements (not for building envelopes); 3) Administrative Permit for grading of less than 131,100 CY (70,500 CY cut and 60,600 CY fill) in a Visually Sensitive District; 4) Use Permit for development on slopes &gt;25 percent; and 5) General Plan Amendment for portion of Parcel H currently designated as "PQP" &amp; "UR" in the Greater Monterey Peninsula Land Use Plan (General Plan) to "RDR" 10 acres per unit &amp; "UR" was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA-Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RM</p>	Planning	Adhere to conditions and uses specified in the permit.
<p>2. <b>PD002 - NOTICE PERMIT APPROVAL</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The applicant shall record a Permit Approval Notice that states, "A Combined Development Permit, Resolution Number 11-033, was approved by the Planning Commission on September 28, 2011 for Assessor's Parcel Numbers 259-241-001-000; 259-241-004-000; 259-092-072-000; 259-092-075-000; 259-191-023-000; 259-191-024-000; 259-211-016-000; 259-231-016-000; 259-231-017-000; 259-231-018-000; 259-231-019-000; 259-231-020-000; 259-231-021-000; 259-231-022-000; 259-231-023-000; 259-231-024-000; 259-231-025-000; 259-231-026-000; 259-231-028-000; 259-251-001-000; 259-251-002-000; 259-251-003-000; 259-251-004-000; 259-251-005-000; 259-251-006-000; 259-251-007-000; 259-251-008-000; 259-251-009-000; 259-251-010-000; 259-251-011-000; 259-251-012-000; 259-251-013-000; 259-251-014-000; and 259-251-015-000. The permit was granted subject to 68 conditions of approval and 92 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.</p> <p>(RMA - Planning Department)</p>	Planning	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.
<p><b>3. PD004 - INDEMNIFICATION AGREE</b></p> <p>The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.</p> <p>(RMA - Planning Department)</p>	Planning	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.</p>
<p><b>4. PD032(A) - PERMIT EXPIRATION</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
The permit shall be granted for a time period of 2 years, to expire on September 28, 2013 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)	Planning	Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.
<b>5. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)	Planning	This condition shall be included as a note on an additional sheet of the final map and in the CC&Rs.  The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.
<b>6. PD006 - MITIGATION MONITORING</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	Planning	Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall: <ol style="list-style-type: none"> <li>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</li> <li>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</li> </ol>
<b>7. PDSP014 - MITIGATION MONITORING AND REPORTING PLAN (NON-STANDARD)</b> All of the mitigation measures contained in the Final Environmental Impact Report for the Monterra Ranch Subdivision (EIR No. 84-007) as shown in the Mitigation Monitoring and Reporting Plan are included as conditions of approval. (RMA - Planning Department)	Planning	Subdivider shall implement all mitigation measures to the satisfaction of the RMA-Planning Department.
<b>8. PD010 - EROSION CONTROL PLAN</b>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)</p>	Planning	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.</p> <p>The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</p>
<p><b>9. PD036 - UTILITIES-SUBDIVISION</b></p> <p>A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the parcel/final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (RMA - Planning Department)</p>	Planning	<p>Prior to recordation of the parcel/final map, the Owner/Applicant shall place a note on the map or on a separate sheet and submit to the RMA - Planning Department for review and approval. The Owner/Applicant shall install or bond for the underground utility facilities.</p>
<p><b>10. PD013 - STREET LIGHTING</b></p> <p>All street lights in the development shall be approved by the Director of the RMA - Planning Department. (RMA - Planning Department)</p>	Planning	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Prior to the issuance of grading or building permits for street lights, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.</p>
<p><b>11. PDSP001 ARCHAEOLOGICAL MONITORING (NON-STANDARD)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>An archaeologist shall be retained to monitor the initial excavation and grading of subdivision improvements for each phase. An agreement signed by the archeologist, applicant, and excavation contractor subject to approval of the Planning Director prior to issuance of the grading permit shall be required. Said agreement shall specify that the archaeologist shall submit a written report detailing findings, if any. Upon discovery of significant archaeologists resources excavation or grading shall cease for a period necessary to determine the significance of any artifacts and salvage any discoveries. Said period shall not exceed 15 working days. (RMA-Planning Department)</p>	Planning	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Prior to issuance of grading permit, applicant/owner shall submit contract for monitoring to RMA-Planning Department.</p>
<p><b>12. PDSP002 - HOMEOWNERS ASSOCIATION</b></p> <p>(NON-STANDARD) That a Homeowners Association be formed for road, drainage and open space maintenance. The document(s) for the formation of this association shall be submitted to and approved by the Director of Public Works, the Director of RMA-Planning, and the Monterey County Water Resources Agency prior to filing of the final map. The CC&amp;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 Water Resources Agency. (RMA-Planning Department and Water Resources Agency)</p>	Planning	<p>Prior to filing of the final map, The document(s) for the formation of a Homeowners Association shall be submitted to and approved by the Director of Public Works, the Director of RMA-Planning, and the Monterey County Water Resources Agency.</p>
<p><b>13. PDSP003 - EROSION CONTROL PLAN (NON-STANDARD)</b></p> <p>Prior to the filing of the final map, an erosion control plan shall be prepared for the project. This plan shall include all of the following and shall be approved by the Director of Building Services Department:</p> <ul style="list-style-type: none"> <li>a. all disturbed slopes shall be revegetated with a mix of seeds best suited for the climate and soil conditions;</li> <li>b. slopes shall be covered with a straw mulch or jute netting after seeding or hydroseeding; the straw mulch should be punched in; no hydromulch should be used;</li> <li>c. no grading shall occur between October 15 and April 15, unless conforming to Monterey county Code Section 16.12.090;</li> <li>d. where possible, cuts shall be revegetated with trees as well as seed, especially in areas where trees are removed to allow roads and driveways;</li> <li>e. removed topsoil shall be stockpiled on the site to be used for revegetation work;</li> <li>f. all road work on slopes over 30% or in landslide or dipslope areas shall require geotechnical evaluations;</li> <li>g. land shall be graded and landscaped in increments of size that can be completed during a single construction season;</li> <li>h. storm water shall not be allowed to flow directly down unprotected slopes, devoid of vegetation;</li> <li>i. catch basins shall be used to retain sediment within the site area during the construction period; the grading operations shall be evaluated and inspected be a qualified soils engineer. (RMA-Planning and RMA-Building Services)</li> </ul>	Planning	<p>Prior to the filing of the final map, an erosion control plan shall be prepared for the project and shall include the required elements as stated in the condition. This plan shall be reviewed and approved by the Director of Planning and the Director of Building Services.</p>

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>14. PD007- GRADING WINTER RESTRICTION</b></p> <p>No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department and Building Services Department)</p>	Planning	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.</p>
<p><b>15. PDSP004 - MAINTENANCE OF NATURAL HABITAT (NON-STANDARD)</b></p> <p>In order to maintain the natural habitat within and surrounding the lots, the following language shall be included as a note on the final map and shall be implemented by future homeowners:</p> <p>a. Direct disturbance or removal of native vegetation cover should be restricted to those areas designated for development only, except as prescribed under Fire Control and Fuel Management.</p> <p>b. The introduction of non-native plant species should be avoided. Native trees (preferably oaks), shrubs, and ground covers should be used for erosion control and landscaping within the designated development envelope surrounding each homesite, the proposed recreation areas, and along the access road system. A landscape plan should be developed incorporating the retention of native trees and vegetation around the building sites.</p> <p>c. Exotic plant species that are aggressive colonizers of disturbed areas should be actively eradicated. These species include, but are not limited to, French broom and Eucalyptus.</p> <p>d. Off-road vehicle activities should not be allowed on the property.</p> <p>e. Livestock (e.g., horses, cattle) should be kept or grazed on the property only at stocking levels comparable to pre-existing use. If desired, use of the existing road and trail system for recreational horseback riding and hiking may be allowed to continue. No livestock should be stabled or boarded on any cluster or estate parcel.</p> <p>f. No broad-scale application of pesticides or herbicides should be permitted on the property.</p> <p>g. Dead trees and snags, as well as bare and denuded limbs, should be retained. These are valuable as perch or roost sites for raptors and flycatchers, and as nest sites for cavity-nesting birds. Removal should be implemented only when a hazard exists.</p> <p>h. Brush piles and fallen logs should be retained except as prescribed under Fire Control and Fuel Management. These serve as protective or escape cover, nest sites, and foraging areas for a variety of wildlife species. (RMA - Planning De</p>	Planning	<p>Prior to recordation of the final map, the Owner/Applicant shall include the language of this condition as a note on the final map or on a separate sheet to be recorded with the final map and shall submit the final map to the Director of RMA-Planning for review and approval.</p> <p>Prior to the recordation of the final map, the language of this condition shall be included in the CC&amp;Rs for the Homeowner's Association.</p> <p>On an on-going basis, the Owner/Applicant shall implement the condition as required.</p>
<p><b>16. PDSP009 - MINIMIZE VEGETATION REMOVAL (NON-STANDARD)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>Development and construction activities should be conducted with as little vegetation removal and soil disturbance as possible. Tree and shrub root systems should be left intact to help bind the soil. Surface cuts and fills should be made only for designated homesites and associated construction material laydown areas. Development of the existing unpaved road along the ridgeline as construction and residential access to the homesites will prevent soil disturbance on slopes where higher erosion rates are expected. Clearing should not be allowed on slopes greater than ten percent without specific consultation with an erosion control specialist. (RMA-Planning Department)</p>	Planning	<p>Prior to recordation of the final map, the Owner/Applicant shall include the language of this condition as a note on the final map or on a separate sheet to be recorded with the final map and shall submit the final map to the Director of RMA-Planning for review and approval.</p> <p>Prior to the recordation of the final map, the language of this condition shall be included in the CC&amp;Rs for the Homeowner's Association.</p> <p>On an on-going basis, the Owner/Applicant shall implement the condition as required.</p>
<p><b>17. PD022(A) - EASEMENT-CONSERVATION &amp; SCENIC</b> (NON-STANDARD) A conservation and scenic easement shall be conveyed to the County over those portions of the property where slopes exceed 25% and all areas outside of the designated building envelopes and development envelopes. The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning Department prior to recordation of the final map. (RMA - Planning Department)</p>	Planning	<p>Prior to recordation of the final map, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.</p> <p>Concurrently with recordation of the final map, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement.</p>
<p><b>18. PDSP005 - FUEL MANAGEMENT PLAN (NON-STANDARD)</b> The Owner/Applicant shall prepare a Fuel Management Plan for review and approval by the Director of RMA-Planning and the Monterey County Regional Fire Protection District. The approved Fuel Management Plan shall be included in the CC&amp;Rs for the Homeowner's Association. (RMA-Planning and Monterey County Regional Fire Protection District)</p>	Planning	<p>Prior to filing the final map, the Owner/Applicant shall prepare a Fuel Management Plan for review and approval by the Director of RMA-Planning and the Monterey County Regional Fire Protection District. The approved Fuel Management Plan shall be included in the CC&amp;Rs for the Homeowner's Association.</p>
<p><b>19. PD012(D) - LANDSCAPE PLAN &amp; MAINTENANCE (MPWMD-SFD ONLY)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)</p>	Planning	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."</p> <p>Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by the RMA-Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.</p> <p>Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the RMA-Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.</p> <p>Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/</p>



Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>20. <b>PD014(B) - LIGHTING-EXTERIOR LIGHTING PLAN (VS &amp; RIDGELINE)</b></p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lighting shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. The applicant shall submit three (3) copies of exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to issuance of building permits.</p> <p>(RMA - Planning Department)</p>	Planning	<p>shall submit an approved water permit from the MPWMD to the RMA-Building Services Department.</p> <p>Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.</p> <p>On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p> <p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.</p>
<p>21. <b>PD015 - NOTE ON MAP-STUDIES</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>A note shall be placed on the final map or a separate sheet to be recorded with the final map stating: "The following reports have been prepared:</p> <ul style="list-style-type: none"> <li>-York Highlands Grading letter, prepared by WWD Engineering, June 14, 2011;</li> <li>-Biological Impact Letter, prepared by Vern Yadon, Pacific Grove, California, March 11, 2011;</li> <li>-Supplemental Biological Assessment York Highlands (LIB110168), prepared by Zander Associates, San Rafael, California, May 9, 2011;</li> <li>-Geological and Preliminary Geotechnical Investigation (LIB110169), prepared by Environmental Risk Specialties Corporation, Santa Clara, California, March 31, 2011;</li> <li>-Drainage Report for York Highlands Re-Subdivision Project (LIB110170), prepared by WWD Engineering, Monterey, California, April, 2011; and</li> <li>-Preliminary Cultural Resources Reconnaissance of a Portion of the Monterra Ranch, (LIB030110) Monterey, Monterey County, California, prepared by Archaeological Consulting, Salinas, California, August 21, 1989.</li> </ul> <p>These reports are on file in the Monterey County RMA-Planning Department. All of the recommendations contained in these reports shall be followed in further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</p>	Planning	Prior to recordation of final/parcel map, the Owner Applicant shall submit the final map with notes to the RMA - Planning Department and Public Works for review and approval.
<p><b>22. PDSP008 - THREE DIMENSIONAL BUILDING ENVELOPES (NON-STANDARD)</b></p> <p>The three dimensional building envelopes (dated August 22, 2011) and development criteria (submitted September 1, 2011) for Lot 2, Lot 6 and Lot 44 shall be incorporated into the CC&amp;R's for the subdivision. The CC&amp;Rs shall also note that all development on these lots shall conform to these building envelopes and to the associated development criteria and that these lots are subject to a Use Permit to be reviewed and approved by the Planning Commission. A note shall be placed on the Final Map stating that these three dimensional building envelopes and development criteria have been incorporated into the CC&amp;Rs. (RMA - Planning Department)</p>	Planning	<p>Prior to recordation of the final map, the applicant shall submit a copy of CC&amp;Rs to the RMA-Planning Department for review and approval.</p> <p>Prior to recordation of the final map, the applicant shall submit a copy of the map showing the required note to the RMA-Planning Department.</p>
<p><b>23. PDSP007 - BUILDING ENVELOPES (NON-STANDARD)</b></p> <p>That building envelopes be established for all lots and approved by the Director of Planning and that the approved building envelopes be shown on the final map. Prepare site plans for all lots to be approved by the Director of Planning. The site plan shall: (1) define the building envelope (2) identify existing geologic hazards; (3) identify areas placed into scenic easement showing a 50 foot setback or as determined by subsequent geologic studies; (4) the maximum size of each site plan shall be 8½" X 14". The approved site plans are to be recorded with the subdivision CC&amp;Rs. A note shall be placed on the final map of each phase stating that the property may be subject to building and /or use restrictions. (RMA - Planning Department)</p>	Planning	<p>Prior to the recordation of the final map the applicant shall provide to the RMA-Planning Department for review and approval:</p> <ol style="list-style-type: none"> <li>1) building envelopes for each lot; and</li> <li>2) copy of final map with required notes.</li> </ol> <p>Prior to recordation of CC&amp;Rs the applicant shall provide a copy of the CC&amp;Rs to the RMA-Planning Department for review and approval.</p>
<p><b>24. PD011 - TREE AND ROOT PROTECTION</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>(NON-STANDARD) Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of grading permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)</p>	Planning	<p>Prior to issuance of grading permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.</p> <p>During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p> <p>Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.</p>
<p><b>25. PDSP009 - NOTE ON MAP - NOISE (NON-STANDARD)</b></p> <p>The applicant shall place the following note on the final map: "The York Highlands subdivision is located within close proximity to the Monterey Airport, the Laguna Seca Raceway and State Highway 68 and may be subject to intermittent noise impacts. Appropriate design and building techniques to mitigate noise should be considered in the design and construction of residential structures within the subdivision." (RMA - Planning Department)</p>	Planning	<p>Prior to recordation of the final map, the applicant shall submit a copy of the map with the required note to the RMA-Planning Department for review and approval.</p>
<p><b>26. PDSP006 - GENERAL PLAN AMENDMENT (NON-STANDARD)</b></p> <p>Prior to recordation of any final map for the subdivision, the General Plan Amendment to change the General Plan Designation of a portion of the property (Parcel H) from Public Quasi-Public and Urban Reserve ("PQP-UR") to Rural Density Residential, 10 acres per unit and Urban Reserve ("RDR/10-UR") shall be adopted by the Board of Supervisors and be in full force and effect.</p>	Planning	<p>Prior to recordation of any final map for the subdivision, the Owner/Applicant shall submit documentation that the General Plan Amendment to change the General Plan Designation from Public Quasi-Public and Urban Reserve ("PQP-UR") to Rural Density Residential, 10 acres per unit and Urban Reserve ("RDR/10-UR") has been adopted by the Board of Supervisors and is in full force and effect.</p>
<p><b>27. PD050 - RAPTOR/MIGRATORY BIRD NESTING</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist.	Planning	No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit, to the RMA-Planning Department, a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.
<b>28. PDSP010 - TREE PERMITS FOR FUTURE DEVELOPMENT</b> The CC&Rs shall include a statement that all removal of native trees shall be subject to a tree permit. All Tree Removal shall require the provision of replacement trees on a one to one basis.	Planning	The applicant or owner shall provide a copy of the CC&Rs to the RMA-Planning Department for review and approval prior to the filing of the final map.
<b>29. PW0016 - MAINTENANCE OF SUBDIVISIONS</b> Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)	Pub Works	On an on-going basis, the Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.
<b>30. PW0019 - EROSION, ETC CONTROL SCHEDULE</b> Submit the improvement and grading plans that include implementation schedule of measures for the prevention and control of erosion, siltation, and dust during and immediately following construction, and until erosion control planting becomes established. The Director of RMA-Planning and the Director of RMA-Public Works shall approve this program. (Public Works)	Pub Works	Prior to recordation of the final map, the Subdivider's Engineer shall include notes on improvement and grading plans.
<b>31. PWSP001 - HOMEOWNERS ASSOCIATION (NON-STANDARD CONDITION)</b> Prior to recordation of a Final Map, complete all requirements and create a Homeowner's Association (HOA) for operation and maintenance of specified infrastructure as required by the Department of Public Works (DPW). Prepare an operation and maintenance plan for all facilities. The submittal shall include a detailed written inventory of maintained infrastructure with specific locations, limits, areas, dimensions and miscellaneous information to clearly identify all facilities to be operated and maintained by the HOA. Infrastructure shall include, but is not limited to: roads, street lights, storm water, drainage facilities, and open space. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)	Pub Works	Prior to recordation of Final Map, Subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.
<b>32. PW0031 - FINAL MAP</b>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
File a final map delineating all existing and required easements or rights-of-way and monument new lines. (Public Works)	Pub Works	Prior to recordation of Final Map Owner/Applicant/Engineer Applicant's surveyor shall prepare Final Map submit to DPW for review and approval.
<b>33. PW0021 - ROAD NAMES</b> Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)	Pub Works	Prior to Recordation of Final Map, Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.
<b>34. PW0036 - EXISTING EASEMENTS AND ROW</b> Provide for all existing and required easements or rights of way. (Public Works)	Pub Works	Prior to recordation of the Final Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Final Map.
<b>35. PW0020 - PRIVATE ROADS</b> Designate all subdivision roads as private roads. (Public Works)	Pub Works	Ongoing condition, Subdivider's Surveyor shall designate private roads on final map.
<b>36. PW0023 - IMPROVEMENT PLANS</b> Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)	Pub Works	Prior to Recordation of Final Map Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of Final Map.
<b>37. PW0022 - FIRE REQUIREMENTS FOR ROADS</b> Improve roads, including the fire access road between Phase 6 and York Road, in accordance with requirements of the local fire jurisdiction. (Public Works)	Pub Works	Prior to Recordation of Final Map, Subdivider shall submit improvement plans prepared by his Engineer to local fire jurisdiction and to DPW for approval. Roads to be constructed in accordance with approved plans.
<b>38. PW0032 - AS BUILT PLANS</b> A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works)	Pub Works	Prior to Release of Bonds Subdivider/Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.
<b>39. PW0014 - DRAINAGE IMPROVEMENT STUDY</b> Provide an on-site/off-site drainage improvement study prepared by a registered Civil Engineer. Study to be approved by Public Works Department and the Water Resources Agency and shall be incorporated in the improvement plans. (Public Works)	Pub Works	Prior to Building/Grading Permits Issuance or recordation of Final Map, Applicant's Engineer shall prepare drainage study and improvement plans for review and approval by DPW.

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>40. PW0044 - CONSTRUCTION MANAGEMENT PLAN</b>  (NON-STANDARD) The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Hauling shall be limited to the hours of 7:00 am to 7:00 pm. Approved measures included in the CMP shall be implemented by the applicant during the Construction/ grading phase of the project. (Public Works)</p>	Pub Works	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.</p> <p>2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.</p>
<p><b>41. PW0015 - UTILITY COMMENTS</b>  Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)</p>	Pub Works	<p>Prior to Recordation of Map Owner/Applicant/Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.</p>
<p><b>42. PW0018 - ROUGH GRADING FOR SLOPE</b>  Where cut or fills at property line exceed 5 feet, driveways shall be rough graded when streets are rough graded. Positive drainage and erosion control shall be provided. (Public Works)</p>	Pub Works	<p>Prior to Recordation of Final Map Subdivider's Engineer shall include notes on improvement plans.</p>
<p><b>43. PW0025 - GRADING PERMIT</b>  A grading permit shall be obtained from the Planning and Building Inspection Department if required. (Public Works)</p>	Pub Works	<p>Prior to commencement of Grading, Subdivider shall submit application for Grading Permit.</p>
<p><b>44. PW0026 - PLANTING FOR GRADED AREAS</b>  Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following:</p> <ul style="list-style-type: none"> <li>a. That the cut and fill slopes be stabilized.</li> <li>b. Specific method of treatment and type of planting, by area, for each soil type and slope  required to satisfy item (a).</li> <li>c. Type and amount of maintenance required to satisfy item (a). (Public Works)</li> </ul>	Pub Works	<p>Prior to Recordation of Final Map Subdivider's Engineer to include erosion control measures on improvement plans.</p>
<p><b>45. PWSP004 CUT/FILL SLOPE</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
That cut slopes not exceed 1 ½ 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 to include replacement to topsoil. (Public Works)	Pub Works	Prior to Recordation of Final Map Subdivider/Engineer shall include notes on Improvement Plans.
<b>46. PWSP006</b> That York Highlands (Road 1) shall be constructed to road geometrics and width, including drainage, subject to the approval of the department of Public Works. (Public Works)	Pub Works	Prior to recordation of Final Map Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of Final Map.
<b>47. PWSP009 - ROAD IMPROVEMENT</b> Structural sections on all roads shall be determined by R-value tests. (Public Works)	Pub Works	Prior to Recordation of Final Map Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of Final Map.
<b>48. PWSP005</b> Obtain an encroachment permit from CALTRANS and construct left turn channelization on State Highway 68 at the entrance to the subdivision (York Highlands (Road 1) as shown on the vesting tentative map), including acceleration and deceleration tapers. (Public Works)	Pub Works	Prior to Building/Grading Permit Issuance Owner/Applicant shall obtain an encroachment permit from DPW. Improvements are to be completed prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.
<b>49. PW0009 - DEDICATION (OPL)</b> Dedicate to the County of Monterey area within the official plan line of State Highway 68. (Public Works)	Pub Works	Prior to Building/Grading Permits Issuance the Applicant's surveyor shall prepare description of area to be dedicated. DPW can prepare deed.
<b>50. PWSP008 - ROAD IMPROVEMENT</b> All stub roads shall have turn-arounds adequate for emergency equipment. (Public Works)	Pub Works	Prior to Recordation of Final Map, Subdivider shall submit improvement plans prepared by his Engineer to local fire jurisdiction and to DPW for approval. Roads to be constructed in accordance with approved plans.
<b>51. PWSP007 ROAD IMPROVEMENT</b> That all loop roads and cul- de- sacs be paved to a width of 24 feet including drainage control.	Pub Works	Prior to Recordation of Final Map Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of Final Map.

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>52. WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS</b></p> <p>A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	Water	<p>Submit a recorded notice to the Water Resources Agency for review and approval.</p> <p>(Recordation of the notice shall occur concurrently with the final map. A copy of the County's standard notice can be obtained at the Water Resources Agency.)</p>
<p><b>53. WR8 - COMPLETION CERTIFICATION</b></p> <p>The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)</p>	Water	<p>Prior to final inspection, the owner/applicant shall submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.</p>
<p><b>54. WRSP1 - STORMWATER DETENTION (NON-STANDARD CONDITION)</b></p> <p>The applicant shall provide a drainage plan, prepared by a registered civil engineer, addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Water	<p>Prior to filing of the final map submit 3 copies of the drainage plan and supporting calculations to the Water Resources Agency for review and approval.</p>
<p><b>55. WR42 - LANDSCAPING REQUIREMENTS</b></p> <p>A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	Water	<p>Submit a recorded notice to the Water Resources Agency for review and approval.</p> <p>(Recordation of the notice shall occur concurrently with the final map. A copy of the County's standard notice can be obtained at the Water Resources Agency.)</p>
<p><b>56. WRSP2 - DRAINAGE &amp; FLOOD CONTROL SYSTEMS AGREEMENT (NON-STANDARD CONC</b></p>		



Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The developer shall enter into a Drainage and Flood Control Systems Agreement. The Agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Water Resources Agency (Agency) for review and approval no later than August 15th of each year. Certification shall be provided that all recommended improvements, have been completed by October 15th of the same year. If the responsible party identified in the Agreement, after notice and hearing, fails to properly maintain, repair, or operate the drainage and flood control facilities in the project, the Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements. The Agency shall have the right to collect the cost for said repairs, maintenance, or improvements from the property owners upon their property tax bills. (Water Resources Agency)</p>	Water	<p>Prior to recordation, submit the signed and notarized original Agreement to the Water Resources Agency for review and approval.</p> <p>A copy of the County's standard agreement can be obtained at the Water Resources Agency or online at: <a href="http://www.mcwra.co.monterey.ca.us">www.mcwra.co.monterey.ca.us</a></p> <p>The approved agreement shall be recorded concurrently with the final map</p>
<p><b>57. WRSP3 - NATURAL DRAINAGE CHANNELS (NON-STANDARD)</b></p> <p>All natural drainage channels shall be designated on the final subdivision map by easements labeled "natural drainage easement" or "scenic easement." Detention ponds, silt traps, and the appurtenant access shall be labeled "drainage easement." New drainage culverts shall be identified as such on the subdivision improvement plans and are subject to review and approval of the County Public Works Director. (RMA-Planning, RMA-Public Works, and Water Resources Agency)</p>	Water	<p>Owner/Applicant shall label all natural drainage channels, detention ponds, silt traps, and appurtenant accesses as required by the condition.</p> <p>The Owner/Applicant shall submit the map for review and approval to the Director of RMA-Planning, the Director of Public Works, and the General Manager of the Water Resources Agency prior to filing of the final map.</p>
<p><b>58. FIRE002 - ROADWAY ENGINEERING</b></p> <p>The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Monterey County Regional Fire District)</p>	Fire	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>2. Prior to final building inspection, the applicant or owner shall schedule a fire dept. clearance inspection for each phase of development.</p>
<p><b>59. FIRE004 - DEAD-END ROADS (2)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
For parcels greater than 1 acre and not exceeding 5 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 1320 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Monterey County Regional Fire District)	Fire	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection, the applicant or owner shall schedule a fire dept. clearance inspection for each phase of development.</li> </ol>
<p><b>60. FIRE005 - DEAD-END ROADS (3)</b></p> <p>For parcels greater than 5 acres and not exceeding 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 2640 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Monterey County Regional Fire District)</p>	Fire	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to the final building inspection, the applicant or owner shall schedule a fire dept. clearance inspection for each phase of development.</li> </ol>
<p><b>61. FIRE010 - ROAD SIGNS</b></p>		

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

Fire

1. Prior to filing final map, the applicant or owner shall incorporate specifications into design and enumerate as "Fire Dept. Notes" on improvement plans.
2. Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the applicant or owner shall schedule a fire dept. clearance inspection for each phase of development.

**62. FIRE012 - EMERGENCY WATER STANDARD - WATER SYSTEMS**

The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. (Monterey County Regional Fire District)

Fire

- This condition shall be included as a note on an additional sheet of the final map and in the CC&Rs.
1. Prior to issuance of permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
  2. Prior to final building inspection, the applicant or owner shall schedule a fire dept. clearance inspection for each phase of development.

**63. FIRE016 - SETBACKS**

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (Monterey County Regional Fire District)	Fire	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection, the applicant or owner shall schedule a fire dept. clearance inspection.</li> </ol>
<p><b>64. FIRE018 - GREENBELTS</b></p> <p>Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the Reviewing Authority. (Monterey County Regional Fire District)</p>	Fire	<p>Prior to filing of final map, the applicant or owner shall schedule fire department clearance inspection for each phase of development.</p>
<p><b>65. FIRE030 - OTHER NON-STANDARD CONDITION</b></p> <p>The fire flow for this subdivision is based on California Fire Code Appendix III-A (Fire Flow Requirements for Buildings). Due to several mitigating factors, such as the fuel modification and residential fire sprinklers, the fire flow has been reduced to the following: One and Two-Family Dwelling Areas - Fire Flow shall be a minimum of 500 gpm at 20 psi residual pressure for a duration of two hours. Hydrant Outlets shall be on e 2-1/2 inch and one 4-1/2 inch NST outlets. Building Other than One and Two-Family Dwelling Areas - Fire Flow shall be a minimum of 750 gpm at 20 psi residual pressure for a duration of two hours. Hydrant Outlets shall be two 2-1/2 inch and one 4-1/2 inch NST. Hydrant Spacing - Locations of fire hydrants shall be according to the Approved Improvement Plan. Hydrant Identification - Blue reflective hydrant markers are required to be installed pursuant to Public Works Department standards (Monterey County Resolution 83-3). (Monterey County Regional Fire District)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to approval of the final map, the applicant shall submit to the fire district and obtain approval of water system improvement plans.</li> <li>2. Prior to issuance of building permits, the applicant shall obtain approval of fire department final inspection testing and accepting the water system improvements.</li> </ol>
<p><b>66. PKSSP001 4 RECREATIONAL TRAILS EASEMENT (NON-STANDARD)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The Applicant shall offer to dedicate a twenty (20) foot public recreational trail easement over the subdivided property in accordance with the Greater Monterey Peninsula Plan Policy 3.11 by providing a portion of a connection trail along the Jacks Peak Park / Laureles Grade ridgeline and in conference with Parks Department. The trail easement shall be offered to the County through an Irrevocable Offer to Dedicate Agreement, which shall set forth the terms, conditions, restrictions and subsequent use and location of the public recreational trail. The specific trail alignment shall be located entirely within the trail easement as described and shown on the Applicant's Final Map. The Director of Parks and the Director of Planning shall approve the final alignment for the trail easement. The trail easement shall not be opened to the public for trail access until such time as the County accepts the trail easement under the terms and conditions of the Irrevocable Offer to Dedicate, and thereafter assumes the responsibility for use of the public trail. (Parks and RMA-Planning Departments)</p>	Parks	<p>Applicant/Owner shall contact and meet with the Parks Department and the Planning Department to formulate the public recreation trail easement prior to the filing of the Final Subdivision Map.</p>
<p><b>67. PDSP011 - TREE RELOCATION/REPLACEMENT (NON-STANDARD)</b></p> <p>Trees, 6 inches or greater in diameter measured 2 feet above ground level, that need to be removed for infrastructure improvements will be flagged and staked prior to issuance of permits. The Owner/Applicant will either relocate the tree or provide a replacement with a relocated tree or through planting of a native tree of the same species and of locally grown stock. Trees 6 inches or greater and less than 24 inches in diameter measured 2 feet above ground level that are removed shall be replaced on a 1:1 basis. Tree greater than 24 inches in diameter measured 2 feet above ground level (landmark) that are removed shall be replaced on a 3:1 basis.</p>	Planning	<p>This condition shall be included as a note on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Prior to the issuance of permits for the removal of trees for infrastructure improvements, the Owner/Applicant shall flag and stake the trees.</p> <p>The Owner Applicant shall demonstrate that trees that have been relocated or removed have been replaced as required by the condition.</p>
<p><b>68. PKSSP002 - RECREATIONAL TRAIL CONSTRUCTION (NON-STANDARD)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The County shall accept from the Developer the Irrevocable Offer to Dedicate ("IOD") a Trail Easement prior to or within two (2) years from the date of filing the final map for the York Highlands subdivision. The Developer shall be obligated to include in the IOD, an Offer to construct the trail in the general location as illustrated in the Trail Illustration Map dated June 17, 2011, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Developer shall provide County with written notice of the Filing of the Final Map, which shall serve to commence the two (2) year time period for County's acceptance of the IOD as well as, but exclusive of, the County's acceptance of the Developer's Offer to construct said trail.</li> <li>2. The County and Developer, through the Parks Department, shall consider the cost of ongoing maintenance and liability for the use of the Trail, the responsible parties and the Improvements thereon.</li> <li>3. Should the County accept the Offer to construct said trail in addition to accepting the IOD, the Developer shall have three (3) years within which to construct the trail.</li> <li>4. Said trail shall consist of a 6- to 8-foot wide path of native materials as available and appropriate or as required for erosion control per engineered plans or County specifications ("Improvements"), as approved by the Parks Department, which approval shall not be unreasonably withheld.</li> <li>5. County shall inspect the Improvements upon Developers' completion of it to ensure that the Improvements were constructed pursuant to the approved plans.</li> <li>6. Upon determining that the Improvements are substantially consistent with the plans, County shall accept the Improvements by an action of the Board of Supervisors.</li> <li>7. Thereafter, the Improvements shall be deemed complete and open to public use.</li> <li>8. Should the County fail to accept this Offer to construct the trail within two (2) years from the date of filing the final map, Developer shall be relieved of its obligation to construct said Improvements.</li> </ol>	Parks	<p>The Developer shall provide notice to the Parks Department when filing the Final Subdivision Map, thereafter commencing a two year period upon which time the Parks Department will consider acceptance of the IOD. During this two year period, the Parks Department and Planning Department, meeting with the Developer, will formulate conditions for construction of a public recreation trail that will include the cost of ongoing maintenance and liability for the public use of the trail and the improvements thereon, and which shall require final action by the Board of Supervisors.</p>

**Mitigation Monitoring and/or Reporting Plan****Project Name: York Highlands****File No: PLN100020****Approval by: Planning Commission      Date: September 28, 2011**

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

Mitigation Measure	Applicable to York Highlands?	Comments
<p>1. Additional geotechnical field work, including trenching, is required to determine the activity of the Navy and Berwick Canyon Faults, and the structural lineations located between the Navy and Chupines Faults where development is proposed within 200 feet of these features. There is an unknown potential for surface offset along the structural lineation. A 100-foot construction setback is initially recommended on either side of these features and this setback may need to be increased where the features are not precisely located or are concealed. Specifically, the short lineation to the west of the Berwick Canyon landslide passes through proposed Lots 47, 55 and 61; further investigation of the hazard posed by this geologic structure is needed. The major lineation passes through many proposed lots; further evaluation is needed here also. Proposed lots 19-25 lie adjacent to Chupines Fault. As long as any construction remains at least 200 feet from this mapping trace, further fault activity is unlikely due to constrained location of fault zone.</p>	Yes	<p>A "Geological and Preliminary Geotechnical Investigation" (LIB110169), prepared by Environmental Risk Specialties Corporation (ERS), Santa Clara, CA, March 31, 2011, was prepared for York Highlands (24 residential lots, associated roads and driveways). An in depth fault investigation was performed to identify geologic conditions that may require special residential set backs. A landslide investigation was performed for the roads and driveways associated with the residential lots. No faulting associated with the Berwick Canyon Fault or the Chupines Fault were identified within the eight lots located within the fault hazard rupture zone as established by Monterey County. The study concludes that no geologic setbacks are necessary for the proposed building envelopes and</p>

Mitigation Measure	Applicable to York Highlands?	Comments
		provides engineering design criteria for construction of proposed roads and driveways.
2. No structures or lakes should be constructed on the Berwick Canyon landslide area until further geotechnical studies are completed to determine the slide activity, the fault location and the potential problems with loading (building on) the slide mass.	Yes	See Comment for Mitigation Measure No. 1. ERS report cleared all landslide areas within York Highlands.
<p>3. A thorough aerial photo investigation and field investigation of possible slides in all areas proposed for development should be carried out to determine whether the slides are growing headward or laterally; and, to establish reasonable setbacks from specific slides. Specifically:</p> <ul style="list-style-type: none"> <li>a. Proposed Lots 33, 34, and 35 are partially on steep (over 30%) slopes above headscarp area of Berwick Canyon slide. These should be consolidated, eliminated or any structure located a safe distance back from scarp (200 ft.).</li> <li>b. The access road to proposed Lots 62- 69 runs up a drainage way or draw with side slopes over 30%. Natural drainage must be dealt with here.</li> <li>c. The lower third of Lots 63 and 64 are mapped as the headscarp of a large landslide. There are no bedding attitudes mapped here such that further analysis is required to determine safe setbacks for structures if construction proceeds.</li> <li>d. All of Lot 52 and large portions of lots 51, 53, and 54 lie along the of large mapped dipslope landslide. A cul-de-sac is located at the headscarp as well. Stability evaluation is required here. Although perhaps stable under present conditions, the input of significantly increased water through septic leach fields, landscape watering, and increased runoff at the top of dipslope may well destabilize these slopes.</li> <li>e. A previously unmapped landslide forms the lower portions of Lot 82; most of the middle portions of the lot is over 30%.</li> <li>f. The road connecting Lot 118 to 119 crosses a drainage and slope over 30%; needs evaluation. This may be an unnecessary connection.</li> <li>g. Lots 105-110 are at the top of a dipslope; impacts of development and added water required further evaluation.</li> <li>h. Road traversing the steep slope connection Lots 145, 154-166, and the lots themselves are all on a slope with only a single mapped attitude indication a 32° dip in Monterey Shale. This slope is potentially unstable, development and water input adds additional concern which</li> </ul>	Yes – Items d, l & m	<p>Addressed in “Addendum Geologic Report, Proposed Monterra Ranch Subdivision”, prepared by Rogers E. Johnson &amp; Associates, Santa Cruz, CA, February 2, 1987.</p> <p>A “Geological and Preliminary Geotechnical Investigation” (LIB110169), prepared by Environmental Risk Specialties Corporation (ERS), Santa Clara, CA, March 31, 2011, was prepared for York Highlands (24 residential lots, associated roads and driveways). This report includes road analysis and specifies the road design criteria.</p> <p>A “Drainage Report for York Highlands Re-Subdivision Project” (LIB110170), was prepared by Environmental</p>



Mitigation Measure	Applicable to York Highlands?	Comments
<p>needs resolutions.</p> <p>i. Lots 161-170 lie at the base of the above-mentioned, potentially unstable dipslope. Hazard evaluation needed.</p> <p>j. Lots 235 and 236 and road are on a mapped slide; if this is actually a slide it appears to be incorrectly located and headscarp should be further to the north, at the break-in-slope; resolution is needed.</p> <p>k. Access road to Lots 185-190 runs directly up the center of a major drainage and crosses the toe of a major mapped landslide. Lot 185 is on the toe of this apparently old subdued slide. The rear portion of lot 188 is steep scarp and unmapped slide. This lot should be eliminated, or construction set well back from edge and post-construction stability assessed.</p> <p>l. Retention ponds proposed south of lot 208, west of lot 43, and west of lot 8 are located in landslide areas and should be individually assessed and designed to take these conditions into account.</p> <p>m. Any secondary access roads which are found to be necessary by the Planning Department and fire officials should be evaluated for potential geologic problems.</p>		<p>Risk Specialties Corporation, Santa Clara, CA, March 31, 2011. The report concludes that stormwater generated within the proposed re-subdivision area will be detained and discharged in compliance with the Monterey County Water Resources Agency requirements. Retention ponds are under construction and have been approved by Water Resources Agency.</p>
<p>4. A geotechnical study on dipslopes should be completed to determine safe dip angles with the Monterey Formation bedrock; and, to recommend foundation and other techniques which will prevent future slope failure in areas where these angles are exceeded.</p>	Yes	<p>See Comment for Mitigation Measure No. 1.</p>
<p>5. Soil Conditions at each building site should be evaluated by a soils engineer to determine foundation requirements.</p>	Yes	<p>This is a standard requirement for construction permits per California Building Code Section 1803.</p>
<p>6. An erosion control plan should be prepared for the project. This plan should include all of the following:</p> <p>a. all disturbed slopes should be revegetated with a mix of seeds best suited for the climate and soil conditions;</p> <p>b. slopes should be covered with a straw mulch or jute netting after seeding; the straw mulch should be punched in; no hydromulch should be used;</p> <p>c. no grading should occur between October 15 and April 15, unless conforming to Monterey County Code Section 16.12.090;</p> <p>d. where possible, cuts should be revegetated with trees as well as seed, especially in areas</p>	Yes	<p>Incorporated into Conditions of Approval for PLN100020 as Condition No. 13.</p>

Mitigation Measure	Applicable to York Highlands?	Comments
<p>where trees are removed to allow roads and driveways;</p> <p>e. removed topsoil should be stockpiled on the site to be uses for revegetation work;</p> <p>f. all road work on slopes over 30% or in landslide or dipslope areas shall require geotechnical evaluations;</p> <p>g. land should be graded and landscaped in increments of size that can be completed during a single construction season.</p> <p>h. storm water should not be allowed to flow directly down unprotected slopes, devoid of vegetation.</p> <p>i. catch basins should be uses to retain sediment within the site area during the construction period.</p> <p>j. the grading operations should be evaluated and inspected by a qualified soils engineer.</p> <p>See also Comment Response 7 in Response to Comments section:</p> <p>k. Fertilizer should be included with seed and straw mulch to overcome nitrogen deficiency created by straw <u>and</u> to help establishment of grass.</p> <p>l. Stockpiled soil must be protected from erosion by vegetative and/or structural means, and</p> <p>m. Disposal of catch-basin soil must be addressed.</p>		
<p>7. The proposed project would increase the peak storm runoff by a factor of 11.4 percent as a result of covering open ground with impervious surfacing in the form of roadways, buildings, pads, tennis courts, etc. Without adequately designed retention facilities, this increase runoff could overflow downstream receiving facilities and increase erosion hazards on and off site. Table 2.2 indicates summary drainage calculations; see Appendix for full reports. Changes in on-site drainage could increase gulling and erosion on-site.</p>	Yes	<p>A "Drainage Report for York Highlands Re-Subdivision Project" (LIB110170), was prepared by Environmental Risk Specialties Corporation, Santa Clara, CA, March 31, 2011. The report concludes that stormwater generated within the proposed re-subdivision area will be detained and discharged in compliance with the Monterey County Water Resources Agency requirements.</p>
<p>8. Future runoff from urban activity areas (roads, driveways, homesites) will contribute to a variety of water quality problems. Contaminant matter includes sand, silt, organic matter,</p>	Yes	<p>This is not a measure. The equestrian center is no longer</p>

Mitigation Measure	Applicable to York Highlands?	Comments
<p>vehicular oils and fuels, heavy metal compounds, non-biodegradable fertilizers, pesticides and vegetative control chemicals. The planned equestrian center could have significant water quality impacts if not properly designed. Groundwater testing indicates that iron and manganese concentrations and salinity content exceed safe drinking water requirements.</p>		<p>proposed. The applicant will be required by the State Water Resources Control Board to prepare a Stormwater Pollution Prevention Plan (SWPPP), which will address urban runoff issues.</p> <p>The applicant has also prepared a drainage report (See Comment for Mitigation Measure No. 7) which addresses drainage issues.</p> <p>The water system (Canada Woods Water Company) is a public utility regulated by the California Department of Health Services. The water is treated to meet safe drinking water standards as required by the California Department of Health Services.</p>
<p>9. Retention basins should be designed to retain additional peak runoff due to development, while discharging no more than predevelopment 10-year design runoff. Retention basis should also be designed with overflow or bypass features to allow post-development 100-year storm flows. Each basin will be designed to discharge predevelopment 10-year runoff at two feet of freeboard while storing additional runoff due to development. Each basin will be designed to allow post-development 100-year storm overflows at one foot o freeboard. Pipelines, curbs and gutters and catchment structures will be designed for the 10-year storm, and culverts crossing under roadways in drainage channels will be designed for post-development 100 year storms. Retention basins should be designed to accommodate silt storage.</p>	No	<p>This measure was included as Condition No. 58 with Resolution 87-527. A memo, dated 10/29/2001, from Tom Moss of Water Resources Agency confirms that condition is cleared. Retention ponds are currently under construction.</p>

Mitigation Measure	Applicable to York Highlands?	Comments
		A Drainage report for York Highlands (LIB110170) documents that off-site 100 year post-development peak flow rates will be limited to the 10 year pre-development peak flow rates.
10. Based on General Plan Policy 16.2.7, the Project Engineer will design and submit for approval to the County Planning Director after design and submit for approval to the County Planning Director after consulting with the Monterey County Flood Control and Water Conservation District, a complete drainage plan, including engineering studies and calculations, future runoff courses and present and future volume of runoff and silt load. Wherever possible, drainage shall be directed to the seven proposed detention basins. As an addendum to the drainage plan, it shall be determined if these basins are adequate to handle the increased runoff created by the project. Maintenance or pro-rated contribution toward maintenance of the detention ponds shall also be described in the drainage plan addendum.	Yes	Drainage plan is required for York Highlands per Condition No. 53 for PLN100020.  Drainage plan was required as Condition No. 20 with Resolution 87-527.
11. All natural drainage swales shall be designated on the Final Subdivision Map by easements labeled "natural drainage easements". New drainage culverts should be identified as such on improvement plans and are subject to review and approval of the County Public Works Director.	Yes	Incorporated into Conditions of Approval for PLN100020 as Condition No. 55.
12. The project applicant shall contribute the development drainage fee per acre to the County Treasury "Canyon Del Rey Creek Watershed Zone Primary Facilities Updating Fund" for off-site operation, maintenance and updating of primary facilities in this watershed, at the discretion of the MCFC and WCD. This contribution shall be made prior to filing of the Final Subdivision Map.	No	Required as Condition No. 45 with Resolution 87-527. Cleared by Water Resources Agency for Phases 6, 8 and 10.
13. The applicant shall pay for all on-site and a pro-rata share of off-site maintenance and operation of storm drainage facilities and access roadways impacted by the project from the time of installation or filing of the final Map until acceptance of the improvements for the subdivision by the Board of Supervisors, and/or until a Homeowners' Association or other agency, with legal authorization to collect fees sufficient to support the service, is formed to assume responsibility for the service. Mitigations provided in Section 2.3, Soils, requiring erosion control measures shall be	Yes	Incorporated into Conditions of Approval for PLN100020 as Condition No. 26.

Mitigation Measure	Applicable to York Highlands?	Comments
implemented in construction and buildout in order to prevent erosion and siltation from increased runoff.		
14. There should be a complete and careful County review of the entire grading plan for the proposed project, before project approval. If it is found that there would be extensive cuts and fills, especially on slopes exceeding 30%, thereby increasing potential for excessive erosion and siltation, then the project should be redesigned to eliminate such plans.	Yes	Grading plans for York Highlands improvements submitted with application. No extensive cuts or fills are proposed on slopes exceeding 30 percent.
15. It should be a condition of project approval that a maintenance program agreement be established to ensure that all paved roads and parking areas be mechanically swept at least once a year in early September before the annual rainy season begins. The contaminant matter traps (French drains) should be appropriately maintained. The Monterey County Public works Department should establish a procedure to ensure that maintenance of the facilities is carried out annually. The use of a Homeowner's Association requirement and some form of bonding for the first few years may be appropriate.	Yes	Condition No. 28 for PLN100020 requires Homeowners Association and Operations and Maintenance Plan for operation and maintenance of all facilities.
16. A water quality expert should check the water at least twice a year to ensure that maximum contaminant levels set by the California Department of Health are not exceeded. Water Quality test results should be sent to Monterey County's Environmental Health Service for monitoring.	No	Canada Woods Water Company provides reports to the California Department of Health Services as required by water system permit.
17. Although the Logan and Anderson-Nichols water studies indicate that there is an ample groundwater supply for the proposed project, water conservation practices should be required and implemented due to high treatment and pumping costs and possible other necessary future uses for this groundwater resource. Various techniques include: installation of water-conserving fixtures (faucets, toilets, showerheads); use of native, low-water requiring plants for landscaping; discouragement/prohibition of exotic plantings; use of drip irrigation systems.	Yes	Incorporated into Conditions of Approval for PLN100020 as Condition No. 50.
18. If a mutual water company is formed, it must meet the standards of Title 22 of the California Administrative Code and the Residential Subdivision Water Supply Standards. It must also be approved by the Monterey Peninsula Water Management District, the State Public Utilities Commission, and the County Environmental Health Service.	No	Canada Woods Water Company is an operational public utility.

Mitigation Measure	Applicable to York Highlands?	Comments
19. Direct disturbance or removal of native vegetation cover should be restricted to those areas designated for development only (except as prescribed under Fire Control and Fuel Management).	Yes	Scenic and Conservation Easement required to be conveyed to County over all areas >25% slope and all areas outside of the designated building envelopes – See Condition No. 17 for PLN100020.
20. Wherever possible, existing unpaved roads on the site should be used for access to the homesites. Construction access to and from homesites should be along the same routes that are proposed for residential access. Existing roads that will not be used as residential access routes should be abandoned. The final residential access routes should be completed before homesite construction activities begin. During construction phases, access roads should be frequently watered to minimize the generation of road dust.	Yes	York Highlands proposes to improve existing ranch roads to the maximum extent possible.  Construction Management Plan required as Condition No. 37 for PLN100020 will address measures to minimize generation of road dust.
21. The introduction of non-native plant species should be avoided. Native trees (preferably oaks), shrubs, and ground covers should be used for erosion control and landscaping within the designated development envelope surrounding each homesite, the proposed recreation areas, and along the access road system. A landscape plan should be developed incorporating the retention of native trees and vegetation around the building sites. Deed restrictions should be instituted to assure recourse if violated.	Yes	Condition No. 15 for PLN100020 requires maintenance of natural habitat. Condition No. 19 for PLN100020 requires landscaping plan for all residential development.
22. Exotic plant species that are aggressive colonizers of disturbed areas should be actively eradicated. These species include, but are not limited to, French broom, poison oak, and <u>Eucalyptus</u> .	Yes	Included in Condition No. 15 for PLN100020.
23. Off-road vehicle activities should not be allowed on the property.	Yes	Included in Condition No. 15 for PLN100020.
24. Livestock (e.g., horses, cattle) should be kept or grazed on the property only at stocking levels	Yes	Included in Condition No. 15

Mitigation Measure	Applicable to York Highlands?	Comments
comparable to pre-existing use. If desired, use of the existing road and trail system for recreational horseback riding and hiking may be allowed to continue. No livestock should be stabled or boarded on any cluster or estate parcel.		for PLN100020.
25. No broad-scale application of pesticides or herbicides should be permitted on the property.	Yes	Included in Condition No. 15 for PLN100020.
26. Dead trees and snags, as well as bare and denuded limbs, should be retained. These are valuable as perch or roost sites for raptors and flycatchers, and as nest sites for cavity-nesting birds. Removal should be implemented only when a hazard exists.	Yes	Included in Condition No. 15 for PLN100020.
27. Brush piles and fallen logs should be retained (except as prescribed under Fire Control and Fuel Management). These serve as protective or escape cover, nest sites, and foraging areas for a variety of wildlife species.	Yes	Included in Condition No. 15 for PLN100020.
<p>28. Since the 1985 LSA Biotic Report does not quantify wildlife resources or the extent of their distribution, specific mitigation measures are not estimated. The following minimal guidelines should be included in a homeowner's agreement for the entire development. These guidelines would establish basic rules about impacts that may be implemented by one or a few homeowners, but that would negatively impact the resources of the entire development.</p> <p>For example, if no restrictions are established regarding free-roaming dogs, deer will avoid the general vicinity reducing the quality of the rural living environment for all homeowners. The basic concerns to be addressed in such an agreement should include but not be limited to:</p> <ol style="list-style-type: none"> <li>Leash and kennel requirements for dogs and bells fitted on cats to impede their predatory impact on wildlife;</li> <li>Fencing designs that will not inhibit deer movements;</li> <li>Maintenance of natural and diverse vegetation buffers in non-landscape areas;</li> <li>Minimal tree removal guidelines;</li> <li>Fire control standards should be established and enforced to protect vegetation;</li> <li>Restrictions on human activity in designated open space areas;</li> <li>Guidelines on maintenance of domestic livestock'</li> <li>An annual management/assessment fee for forestry programs, wildlife habitat protection and oak tree management.</li> </ol>	Yes	These measures will be included in the CC&Rs for the project area.

Mitigation Measure	Applicable to York Highlands?	Comments
<p>29. Development and construction activities should be conducted with as little vegetation removal and soil disturbance as possible. Tree and shrub root systems should be left intact to help bind the soil. Surface cuts and fills should be made only for designated homesites and associated construction material laydown areas. Development of the existing unpaved road along the ridgeline as construction and residential access to the homesites will prevent soil disturbance on slopes where higher erosion rates are expected. Clearing should not be allowed on slopes greater than ten percent without specific consultation with an erosion control specialist.</p>	Yes	Included in Condition No. 16 for PLN100020.
<p>30. A short-term erosion control program should be established on large areas of exposed soil (cuts, fills, etc.), consisting of seeding with an annual grass and herbaceous cover.</p> <ul style="list-style-type: none"> <li>a. Standard seed mixes for erosion control applications may be inappropriate due to relatively high fire hazard and competition with native species. No data were found to suggest that regeneration of oaks would be inhibited by high densities of annual grasses. However, the inhibitory effect of weed competition on chaparral shrub seedling survival is well documented (Horton, 1950; Shultz, et.al., 1955; Hanes, 1977). Gautier (1981) discussed the possibility that seeding of recent burns in chaparral may increase long-term slope erosion by retarding the recovery of native shrub vegetation. Therefore, a seed mix should be designed to include species relatively low in stature and biomass in order to reduce fire hazard and competition effects. Annual fescue (<u>Vulpia megalura</u>, <u>Vulpia octoflora</u>) and soft chess (<u>Bromus hordeaceus</u> spp. <u>hordeaceus</u>) are recommended. To these may be added a mixture of native herbaceous species, including California poppy (<u>Eschscholtzia californica</u>), trefoil (<u>Lotus</u> spp.), clover (<u>Trifolium</u> spp.) and lupine (<u>Lupinus</u> spp.).</li> <li>b. Germination and establishment of seeded grasses and herbs are dependent on proper timing and intensity of precipitation (Hanes, 1977). Seed applications should be made in September, just prior to the onset of the rainy season.</li> <li>c. The success of the seeding effort should be monitored, especially during the first several months following the initial treatment. On an annual basis, seeding should be repeated where necessary to help stabilize areas of exposed soil.</li> </ul>	Yes	Erosion control plan required by Condition No. 16 for PLN100020.
<p>31. A long-term erosion control program should be established to revegetate disturbed area using native woody species.</p> <ul style="list-style-type: none"> <li>a. Plan materials used in revegetation and landscaping should be propagated in a</li> </ul>	Yes	Erosion control plan required by Condition No. 16 for PLN100020. The County



Mitigation Measure	Applicable to York Highlands?	Comments
<p>nursery from native seeds and cuttings collected on the site. The propagules should be planted in a sandy soil mixture. At least in the period immediately prior to transplanting, soil water conditions should simulate those found on the site. These measures will help reduce transplant shock and mortality.</p> <p>b. Liner planting should follow the method developed by Chan, et.al. (1977). The standard method consists of excavating holes 6 to 12 inches deep and mixing the native substrate with a high loam, potting type soil. On slopes, slight backslopes are constructed above the liner hole to minimize erosion and encourage soil water retention. Each liner is placed within a small (about 8-inch diameter) plastic collar with the bottom removed. The collar serves as a protection against rodents, concentrates precipitation within the root zone, and provides an anchor point for the wire mesh screen used to protect the young seedlings from foraging wildlife (i.e., deer). A mulch of black plastic film embedded between two layers of burlap is placed around each plant to aid in soil water retention and control of competitive weeds and grasses around the transplants.</p> <p>c. Plantings should be conducted in late October or early November, to coincide with the period when soil water tables are reaching surface levels. This planting period is most conducive to liner establishment. It favors extensive root development prior to significant above-ground growth in the spring and helps to eliminate the need for spring and summer watering programs.</p> <p>d. An annual monitoring and maintenance schedule should be adopted to repair or replace screens and collars, remove competitive weeds, provide supplemental watering if warranted, and replanting as necessary.</p>		Erosion Control Ordinance requires installation of permanent erosion control plantings.
<p>32. A controlled burning program <u>should be considered</u> for implementation on the property. Such a program would mimic the effects of natural fires and reduce fire hazard. Maritime chaparral is well adapted to conditions of recurrent fire (Griffin, 1978), and coast live oak is extremely fire-resistant and has the ability to resprout from both trunk and branches following a fire (Plumb, 1979). Controlled burning would reduce the probability of a catastrophic wildfire and would be compatible with the ecological strategies of the predominant vegetation types on the property.</p> <p>a. The scale and frequency of prescribed burning should be commensurate with the maintenance of mature plant communities with minimal fuel loads.</p>	No	This was considered but was deemed to be inadvisable due to danger to existing development in the area.

Mitigation Measure	Applicable to York Highlands?	Comments
<ul style="list-style-type: none"> <li>b. The controlled burning program should be initiated prior to construction on the homesites. This will result in lessened fuel loads and reduced fire hazard during and after the construction phase of the project.</li> <li>c. A qualified forester or controlled burn specialist should be consulted before initiating a controlled burning program. Representatives of the California Department of Forestry (CDF) may be of assistance in designing a controlled burning program or in recommending knowledgeable experts on the subject. Factors to consider in developing a burn prescription include dead/live fuel ration, fuel volume, live and dead fuel moisture, fuel chemical content, and weather conditions (Green, 1981). Various techniques may be used to limit or control the area of land to be burned at any one time (i.e., construction of fuel breaks, mechanical fuel reduction, spot burning, etc.).</li> <li>d. The landowner should not necessarily be required to bear the entire burden for this program. An agreement with agencies such as CDF, the California Youth Conservation Corps, and the County of Monterey may be pursued to alleviate the cost of the program.</li> </ul>		
<p>33. A program of fuel load reduction through direct vegetation removal should also be considered for implementation on the site, either separately or in tandem with a controlled burning program.</p> <ul style="list-style-type: none"> <li>a. A program of direct vegetation removal or thinning and chipping may be necessary to reduce critically high fuel loads prior to beginning a prescribed burning program. Dead brush may be piled and later consumed by the burn.</li> <li>b. The distribution of native vegetation patterns should be considered in designing and establishing fuel breaks.</li> <li>c. Vegetation removal for fuel management may be accomplished either mechanically or by hand. Hand removal is less cost-effective but results in lower amounts of soil disturbance and subsequent accelerated erosion rates. Mechanical removal should be conducted in a manner that minimizes soil disturbance (e.g., following slope contours).</li> <li>d. The "pruning up" of shrubs (i.e., removing all their lower branches) should be considered as an alternative to outright clearing of chaparral, coastal scrub and the understory of live oak woodland. This technique may prevent fire from reaching</li> </ul>	Yes	Fuel Management Plan required by Condition No. 18 for PLN100020.

Mitigation Measure	Applicable to York Highlands?	Comments
the crowns of the larger shrubs and trees and therefore favors cool ground fires. The method has been used effectively in fire control applications in southern California. Use of this technique would produce a minimal amount of soil disturbance compared with mechanical vegetation removal.		
34. Estate lots 227 through 235 and 239 proposed in the occurrence area of Hickman's onion on-site should be eliminated or redesigned and a minimum buffer of 50 feet implemented to preserve the population. This could entail the loss or redesign of these parcels along the proposed Romera Vista Road in the northwestern end of the property. The furthest occurrence to the south could be protected by shifting of the Romera Vista Road to the east. Care should be taken to preserve the present vegetation and soil structure in the areas where these occurrences were found. No corralled livestock should be kept in these areas. Fencing of the occurrences may be appropriate to prevent accidental encroachment by off-road vehicles and construction equipment or their use as laydown areas.	No	Outside York Highlands development area.
35. The Hickman's onion population should be monitored both during and after construction to evaluate the adequacy of the protection measures implemented and the vitality of the species.	No	Outside York Highlands development area.
36. Residential and other types of development in areas viewed from State Route 68 should be inconspicuous in order to maintain the natural rural character along this scenic corridor. Visually sensitive areas include Work Ranch Ridge, Del Rey Ridge and north-facing slopes and meadows along Canyon Del Rey. Strict architectural control of building plans for lots in these areas should be required.	Yes	Three dimensional building envelopes required for Lot Nos. 2, 6 and 44 – incorporated into Conditions of Approval for PLN100020 as Condition No. 22.  All of York Highlands is in either VS or D Zoning overlay which requires review of development for aesthetic considerations.
37. A requirement for single-story houses located behind existing vegetation along Work Ranch Ridge, Del Rey Ridge, and slopes bordering State Route 68 should be considered.	Yes	Three dimensional building envelopes required for Lot Nos. 2, 6 and 44 –

Mitigation Measure	Applicable to York Highlands?	Comments
		incorporated into Conditions of Approval for PLN100020 as Condition No. 22.
38. Require building permits for Monterra lots to be evaluated utilizing the following design criteria. These criteria are general in nature since overly prescriptive standards of design, given the current preliminary planning stage of the project plan, could be detrimental to the ultimate success of the project. Conformance with these criteria is necessary to provide a project integrated with the natural setting and the planning goals of the County of Monterey and to ensure that the scale of the project allows for development, but also relates to the preservation of the natural character of the State Route corridor.	Yes	All of York Highlands is in either VS or D Zoning overlay which requires review of development for aesthetic considerations. All development will require discretionary approval through Design Approval, Administrative Permit or Use Permit. Development will be evaluated using these criteria.
39. The prominent ridges and native vegetation along the State Route 68 corridor shall be preserved in a natural state, as much as possible, to maintain the natural scenic quality of this area.	Yes	Condition 22 for PLN100020 requires that a scenic easement be dedicated over all areas with slopes greater than 25%.
40. Development should be designed to blend with the natural terrain, by using innovative site design, grading techniques, building types, and spacing of buildings.	Yes	See Comment for Mitigation Measure No. 38.
41. All structures should complement one another and the natural landscape, provide visual interest, and create a sense of identity within the development.	Yes	See Comment for Mitigation Measure No. 38.
42. Removal of native vegetation, particularly trees, should be minimized.	Yes	Incorporated into Conditions of Approval for PLN100020 as Condition No. 16.
43. Grading in hillside areas should be minimized to the portion of the site covered by the structure. Required grading should be finished to blend with the natural contours by avoiding abrupt changes in grade and by rounding off sharp angles along the sides of cut and fill slopes. The mass grading of large building pads and excessive terracing should be avoided.	Yes	See Comment for Mitigation Measure No. 38.

Mitigation Measure	Applicable to York Highlands?	Comments
44. Roadways should be designed to reflect the natural topography in order to minimize grading and scarring of hillsides.	Yes	New roads are proposed on existing ranch roads to the extent possible.
45. Exterior colors and materials that blend, rather than contrast with the surrounding soil and vegetative cover should be used. These include natural wood and masonry materials and brown, muted green and gold colors. Highly reflective surfaces and colors should be avoided.	Yes	See Comment for Mitigation Measure No. 38.
46. Structures should not greatly exceed the height of the forest canopy.	Yes	See Comment for Mitigation Measure No. 38.
47. Development along ridge lines should not silhouette against the skyline.	Yes	<p>See Comment for Mitigation Measure No. 38.</p> <p>Three dimensional building envelopes required for Lot Nos. 2, 6 and 44 – incorporated into Conditions of Approval for PLN100020 as Condition No. 22.</p> <p>Monterey County Code Section 21.66.010 prohibits ridgeline development which will create a substantial adverse visual impact.</p>
48. Exterior lighting should be minimized. Lighting that is necessary should be of low profile design, unobtrusive and compatible with the rural character of the project area. Consider using warm tone lights on dark standards.	Yes	<p>See Comment for Mitigation Measure No. 38.</p> <p>Lighting plans required by Condition No. 20 for PLN100020.</p>
49. Roofs of buildings at lower elevations should be attractively designed to enhance views of these buildings from adjacent hillside residential areas. In general, sloping, gabled, or vaulted roofs constructed of wood shingles, wood shakes or tiles are preferred over flat, gravel-type roofs.	Yes	See Comment for Mitigation Measure No. 38.

Mitigation Measure	Applicable to York Highlands?	Comments
Mechanical equipment on roofs should be avoided or screened so that it is not apparent from the hillside areas.		
50. Large wall planes without a change in dimension should be avoided.	Yes	See Comment for Mitigation Measure No. 38.
51. Parking and service areas, for the recreational uses should be screened with landscaped berms.	Yes	See Comment for Mitigation Measure No. 38.
52. Architectural detail should consider the appearance of buildings as seen from the hillside areas, as well as from on-grade with the building. Trellises awnings, balconies, and planters should be used to add interest and assist with blending in with the natural setting.	Yes	See Comment for Mitigation Measure No. 38.
53. Edges between active public areas and adjacent private residential areas should be defined by landscaping.	Yes	See Comment for Mitigation Measure No. 38.
54. All utility lines serving the project should be placed underground.	Yes	Included as Condition No. 9 for PLN100020.
55. Signage identifying the entrance to the Monterra development should be minimized, particularly along State Route 68. Signs should be aesthetically pleasing, blending into the highway corridor. There should be a comprehensive signage motif which is compatible with the building design and surrounding natural setting (e.g., non-illuminated wood signs). Signs identifying individual residences and buildings should be of a uniform low-profile type, easy to identify (and to facilitate emergency access).	Yes	New signs will be required to comply with Monterey County Code Chapter 21.60 (Regulations for Signs) and will be subject to Design Approval.
56. When adequate off-street parking is provided, consideration should be given to reduced street width. Intermittent widening of streets for cluster parking areas, bays, and turnarounds, are encouraged at appropriate locations. Alternatively, parking may be provided along only one side of the street.	Yes	Road design subject to approval by Public Works. Included as Condition No. 43 for PLN100020.
57. Streets may be divided into one-way segments on different levels of steeper slopes to better blend with the terrain and minimize grading. Pedestrian paths may also be at a different level from the roadway segments.	Yes	Road design subject to approval by Public Works. Included as Condition No. 43

Mitigation Measure	Applicable to York Highlands?	Comments
		for PLN100020.
58. The clustering of driveways or use of common access driveways should be encouraged to maximize natural open space preservation.	No	Design of York Highlands precludes use of common access driveways.
59. A comprehensive trail plan should be submitted to the County prior to approval of the tentative map.	yes	Irrevocable offer to dedicate land for public trail required as Condition No. 64 for PLN100020. Map showing general location of the trail has been submitted.
60. A continuous system of hiking and equestrian trails following fairly level contours should connect the proposed open space and park areas. Also, open space linkages should be provided between the site and the Ryan Ranch. Solid lot line fencing of yards bordering this narrow open space corridor should be avoided to prevent a "walled" appearance.	Yes	Irrevocable offer to dedicate land for public trail required as Condition No. 64 for PLN100020.
61. Natural landscaping should be provided around buildings to screen them from internal roadways and from surrounding areas, especially State Route 68.	Yes	See Comment for Mitigation Measure No. 38. Condition No. 19 for PLN100020 requires note on the map to notify purchasers of lots that landscape plans will be required for all development.
62. Roadway guard rails and fences should blend into the landscape as much as possible.	Yes	Will be incorporated into Subdivision Improvement Plans for PLN100020.
63. Off-road turnouts should be provided in areas with significant views.	No	Original subdivision proposal included public road connecting Highway 68 and Carmel Valley Road. No public roads are proposed or required for York Highlands.
64. Follow the recommendations of the Greater Monterey Peninsula Area Plan Citizens Advisory Committee in regard to highly sensitive areas along Highway 68:	Yes	See Comment for Mitigation Measure No. 38.

Mitigation Measure	Applicable to York Highlands?	Comments
<ul style="list-style-type: none"> <li>a. Development shall be rendered compatible with the visual character of the area using appropriate sitting, design, materials and landscaping;</li> <li>b. Development shall maintain no less than a 100-foot setback from the scenic route right-of-way;</li> <li>c. The impact of any earth movement associated with the development shall be mitigated in such a manner that permanent scarring is not created;</li> <li>d. Tree removal shall be minimized;</li> <li>e. Landscape screening and restoration shall consist of plant and tree species consistent with surrounding native vegetation;</li> <li>f. Architectural review of projects shall be required to ensure visual compatibility of the development with the surrounding area; and</li> <li>g. New development in open grassland areas shown as “sensitive” or “highly sensitive” on the Visual Sensitivity Map should minimize its impact on the uninterrupted viewshed.</li> </ul>		No lots within York Highlands are within 100 feet of State Highway 68.
65. Construction phase noise can be mitigated by using properly maintained and muffled equipment. The use of graders and other equipment with tires rather than bulldozers can reduce noise generation. Also the use of nail guns rather than manual hammering can reduce noise generation. Noise intrusion can be reduced by using temporary berms or barriers such as lumber or other stockpile materials.	No	This is a comment, not a mitigation measure.
66. Noise impact from the transportation of materials can be reduced or avoided by selecting haul routes that will be frequently used which do not pass through residential areas or by sensitive receptors and by limiting hauling to the hours between 7:00 am and 7:00 pm.	Yes	Construction Management Plan required by Condition No. 37 for PLN100020 includes limitation on hauling to hours between 7:00 am and 7:00 pm.
67. Require an acoustical study of proposed new residential homes within future 55 L dn noise contours. Require sound insulation, if necessary, to mitigate noise impacts in these areas exposed to an existing or future CNEL or L dn of 55 dBA and greater.	No	Proposed homes in York Highlands are not within this area. Noise evaluation prepared pursuant to Condition No. 54 of BOS Resolution 87-527 found no need for specific noise mitigations for residential development in the



Mitigation Measure	Applicable to York Highlands?	Comments
		Monterra Ranch property.
68. Require developer to disclose noise information in this section and the recommended acoustical study to prospective buyers so that they are aware of short-term annoyance impacts of airport, Ford Ord and Laguna Seca raceway operations, the long-term impacts of airport and vehicular noise sources, and the potential mitigation measures available through appropriate design and building techniques.	No	See Comment for Mitigation Measure No. 67
69. The west entrance to the site should be relocated from Ragsdale Drive to Olmstead Road in order to: utilize the existing traffic signals there; utilize the future full interchange planned there after construction of the Toro Park interchange; remove at least half of the Monterra traffic from two miles of Highway 69 (between Olmstead and the western entrance); eliminate conflicting turning movements on Highway 68 by changing the proposed western entrance to an emergency exit only until and interchange is constructed there. The Monterra subdivision should also participate in funding the intersection improvements at Olmstead Road and Highway 68.	No	Intersection improvements were completed with an earlier phase of development.
70. Base on the existing plus through-traffic plus cumulative traffic need for widening Highway 68 and that the Monterra Ranch subdivision will contribute to that need, the Monterra Ranch subdivision should therefore participate in funding the widening of Highway 68 to the adopted plan lines at a rate commensurate to the project traffic assignment. The formula for this fee should be determined by the Planning Department.	No	Fees required to be paid prior to recordation of final maps for each phase pursuant to Condition No. 32 of BOS Resolution 87-527. This condition was cleared by Public Works.
71. An approach lane to Highway 68 on the east entrance should be provided to separate right and left-turn traffic. In addition, a left-turn pocket on Highway 68 with an adequate deceleration lane should be provided to facilitate access to the east entrance of and to the western entrance off of Olmstead Road.	Yes	Required by Condition No. 45 for PLN100020.
72. The Monterra Ranch subdivision should dedicate a right-of-way consistent with the adopted plan lines for Route 68.	Yes	Required by Condition No. 46 for PLN100020.
73. The private road designs and construction should be at horizontal and vertical standards unless these standards would cause excessive grading and/or environmental impacts. A determination of specific roadway segments to be exempted from normal county standards, if any,	Yes	Road design subject to approval by Public Works. Included as Condition No. 43

Mitigation Measure	Applicable to York Highlands?	Comments
should be made prior to recordation of the final subdivision map.		for PLN100020.
74. The Monterra subdivision access to Highway 68 will be facilitated by an internal collector loop road which connects east and west entrances. Traffic control should be on the side streets in order to preserve the internal collector's integrity.	No	No internal collector loop within York Highlands which will connect east and west entrances.
75. The subdivision map should be conditioned to grant access rights to the school district and Lt Ng parcels to assure appropriate access to the parcel considering future highway improvements; and to assure secondary access routes for both Lt Ng and Monterra in the future. Please see Figure 1.2 for locations.	No	Access to school property is not within the York Highlands area.  At the time this measure was written, a public road connecting Highway 68 and Carmel Valley Road was included as part of the Monterra Ranch Subdivision. With the elimination of the public road, provision of secondary access to the Lt Ng parcel is no longer appropriate.
76. Use dust controls, such as wetting down the soil during excavation and earthmoving operations.	Yes	Required as part of Construction Management Plan – incorporated into Conditions of Approval for PLN100020 as Condition No. 37.
77. Suspend construction activities or increase sprinkling during periods of high wind (greater than 15 mph).	Yes	Required as part of Construction Management Plan – incorporated into Conditions of Approval for PLN100020 as Condition No. 37.
78. Revegetate exposed surfaces as soon as possible.	Yes	Required as part of Erosion Control Plan – incorporated

Mitigation Measure	Applicable to York Highlands?	Comments
		into Conditions of Approval for PLN100020 as Condition No. 13.
79. Consider provision of a park and ride lot, bus stop and turn-out area to be located near the project on Highway 68 to encourage the use of public transit by future residents.	No	Included with Highway 218 improvements.
80. As specified in the Air Quality Plan, the Association of Monterey Bay Area Government should review all project plans.	Yes	Negative Declaration circulated to Monterey Bay Air Pollution Control District.
81. The developer should be required to distribute local transit, bicycle and carpooling information to prospective buyers during the marketing of the home sites.	Yes	Will be incorporated into CC&Rs.
82. Strictly adhere to the sites indicated safe for the location of septic systems in the M. Jacobs and Associates Percolation Study for the Monterra Ranch project.	No	The York Highlands project is served by a sewer system.
83. The Monterey County Health Department should review each specific septic system location and design prior to their placement to ensure that the State of California Basin Plan and the provisions of Monterey County Ordinance 1835 are met.	No	The York Highlands project is served by a sewer system.
84. Septic system should not be built on slopes in excess of 30% or if deemed necessary should be specifically engineered for each site.	No	The York Highlands project is served by a sewer system.
85. * The installation of water conserving fixtures (low flush toilets, flow restrictors on faucet and shower heads) should be required to reduce the potential for septic system loading. Residents should also be encouraged to use phosphate free detergents because the systems' efficiency will be increased. *Include training/information program about proper use and maintenance of septic systems, by residents via homeowners association.	Yes	Notice of Water Conservation Requirements required by Condition No. 50 for PLN100020.
86. The Monterra property should be annexed to the Salinas Rural Fire Protection District, and a fire station site should be provided in the Laguna Seca area. Annexation to CSA 39 and the provision of an interim fire station site on the Monterra property might be an acceptable alternative if the Salinas Rural/Laguna Seca site preference is not attainable for some reason.	No	Monterra Ranch previously annexed to the Salinas Rural Fire Protection District (SRFPD) (now the Monterey County Regional Fire

Mitigation Measure	Applicable to York Highlands?	Comments
		Protection District (MCRFPD)). Fire Station has been built at Laureles Grade/Highway 68.
87. The developer should enter into an agreement with the Salinas Rural Fire Protection District to help purchase some additional structural and wildfire-fighting equipment.	No	Completed with earlier phases of development.
88. The developer, Planning Department and fire agency officials should discuss and agree an appropriate resolution of the secondary access issue on cul-de-sacs longer than 1000 feet.	Yes	Condition No. 58 for PLN100020 limits length of dead end roads and identifies specifications for turn-arounds.
<p>89. Both the subdivision tentative map and the future improvement plans should be reviewed by the County Fire Warden and Salinas Rural FPD Chief to assure that fire protection and prevention designs features are included. Some of these design features are listed below.</p> <ol style="list-style-type: none"> <li>1) The development shall provide safe and ready access for fire and other emergency equipment and to handle possible evacuations. Drivers provided for access as provided by amendment to Section 10.31(d) of the 1979 Edition of the Uniform Fire Code. Parking shall be prohibited in turnarounds; signs so indicating shall be posted.</li> <li>2) Emergency access points shall be provided to all significant public and private water supplies</li> <li>3) All buildings shall be sprinklered for fire protection in accord with Salinas Rural Fire Protection District regulations. Water distribution and source facilities shall be required of sufficient design to support the flows necessary for the type of development proposed.</li> <li>4) Flammable ground cover shall be cleared in a 30-foot area around each structure, or to the property line, and replaced with a low fire spread evergreen groundcover or other suitable material approved by the Fire Warden and Planning Director. Where the property line is less than 30 feet from any structure, the Fire Warden shall evaluate the hazard and may require non-combustible siding exterior sprinkler or other methods of protection which will reduce the risk of fire spread.</li> <li>5) All building shall be designed and sited so that roofs and other areas may be kept free of leaves, needles and other dead vegetative growth.</li> </ol>	Yes	Application was reviewed by Monterey County Regional Fire Protection District (MCRFPD). Conditions recommended by MCRFPD are included as Condition Nos. 56-63 for PLN100020.

Mitigation Measure	Applicable to York Highlands?	Comments
<ul style="list-style-type: none"> <li>6) Roof covering for building shall be fire retardant, as defined in the latest edition of the Uniform Fire code (adopted as Ordinance No.1 by the Salinas Rural Fire District).</li> <li>7) All easements for fire breaks for the fire safety of built-up areas shall include access for firefighting personnel and equipment.</li> <li>8) Fire breaks shall be periodically cleared of dead wood and vegetation by the homeowner's association in cooperation with the agency.</li> <li>9) When parking lanes are not provided, turnouts eight feet wide and 15 feet long each side of fire hydrants shall be provided and posted "No Parking".</li> <li>10) Highly flammable underbrush shall be removed from within 20 feet of each side of all roadways if required by the fire agency. Individual or small groups of trees, ornamental shrubbery or similar plants of low combustibility which are used as groundcover need not be removed.</li> </ul>		
90. Incorporation of the measures discussed above in future home and building design will reduce the project's impacts on non-renewable energy resources.	No	Not a measure. All new development will be required to meet California Building Code Title 24 Energy Standards.
91. Prior to and during the initial stages of grading, a qualified archaeologist should be consulted to do on-site inspecting, examining the results of grading in those areas judged to have a greater potential of containing archaeological sites such as bedrock outcrops, springs, seeps and the lower ridges should be covered by a controlled intuitive reconnaissance.	Yes	<p>Was included as Condition No. 11 with Resolution 87-527. Reporting on status of this condition was required by Condition No. 82 in Planning Commission Resolution No. 89-149.</p> <p>Included as Condition No. 11 for PLN100020.</p>
92. A condition should be added to the development permit for the subdivision to require a detailed archaeological investigation if development of Ranch Lot #2 is proposed on or in the vicinity of the archaeological site.	No	Archaeological surveys completed with earlier phases.



