

CALIFORNIA COASTAL COMMISSION

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W13b



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Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE DETERMINATION & COASTAL PERMIT

LOCAL GOVERNMENT: Monterey County

LOCAL DECISION: Approval with conditions (see Exhibit 3)

APPEAL NUMBER: A-3-MCO-97-089

APPLICANT: **Steve Bricker** AGENT: Anthony Lombardo Associates

APPELLANTS: Commissioners Pavley and Wan (see Exhibit 1)

PROJECT LOCATION: Triple M Ranch, south of Hall Rd. and west of Johnson Rd., North Monterey County APNs 181-251-001 & -003 (see Exhibit 2)

PROJECT DESCRIPTION: Subdivision of 195 acres into 31 lots and a 107.5 acre remainder parcel; installation of access roads, utilities, relocated drainage swale, storm water retention pond, and related on- and off-site improvements (see Exhibit 4).

SUBSTANTIVE FILE DOCUMENTS: Monterey County Local Coastal Program (LCP) consisting of *North Coast Land Use Plan* and *Monterey County Coastal Implementation Plan*; County permit file #965100 including *Final Environmental Impact Report for the Triple M Ranch Subdivision*; Furgo West Inc., Vols. 1 and 2 *North Monterey County Hydrogeological Study*; *North County Water Issues Action Plan*; County Coastal Permits SH93001, &2 to CHISPA (A-3-MCO-95-02, -04) and MS95010 to Van Sergae.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal has been filed. Although the project is designed and conditioned to cluster the proposed home lots, mostly avoids sensitive habitat, and leaves a large remainder lot which can be used for agriculture, flood overflow, groundwater recharge and other open space purposes, three aspects of the County approval are inconsistent with

the Local Coastal Program. First, the most viable agricultural field on the site (containing prime soils, level, and out of the flood plain) is to be converted into residential lots (see Finding B). Second, the approved density of the site is too high (see Finding C). Third, currently productive agricultural acreage is to be reduced in order to reduce water used for irrigation to compensate for the new residential water use (see Finding D).

Staff recommends, therefore, that after a de novo hearing, the Commission **approve** a coastal permit conditioned to eliminate the incursion onto prime soils by redesigning the residential subdivision and to reduce the approved number of lots from 31 to 23. No condition to reduce water use is necessary. Finally, in addition to the County conditions which will be retained, conditions will be added to protect potential wetland and riparian sensitive habitats, both on and off-site, including additional biologic assessment at proposed road improvement locations.

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I. APPELLANTS' CONTENTIONS

A. There are two Commissioner appellants who contend:

This is a proposal to subdivide a portion of a 195 acre ranch into 31 residential lots in North Monterey County. 7.2 acres of the area to be subdivided and converted to residential use is prime agricultural land. A total of 20 acres of productive land would be lost. The permit approved by Monterey County is inconsistent with the following *North County Land Use Plan* policies:

- 2.6.1 The County shall support the permanent preservation of prime agricultural soils exclusively for agricultural use.
- 2.6.3.1c A very low-density residential land use designation that encourages agricultural use, Rural Residential, shall be applied...Agricultural management plans...shall be encouraged for existing cultivated agriculture uses...
- 2.6.3.4 Development of Rural Residential lands shall be allowed for agricultural-related facilities and very low density residential use. These uses shall be located, where feasible, to conserve lands suitable for cultivation.
- 4.3.6.D.4 A mix of agricultural and residential use is encouraged in Rural Residential areas. Residential subdivision and development in these areas shall be located according to site constraints. The most viable agricultural areas of the parcel should remain open for agricultural use.

No mitigation is provided for the prime soil conversion, and alternative site designs are available which could result in a project consistent with the cited policies. The project requires water use to be limited, by placing limits on overall agricultural land cultivated (a priority use) rather than on residential development or rather than by allowing efficient irrigation practices. This requirement is inconsistent with *North County Land Use Plan* policy 4.3.5.4:

Where there is limited land, **water**, or public facilities to support development, coastal-dependent agriculture, recreation, commercial, and industrial uses shall have priority over residential and other non-coastal-dependent uses (emphasis added).

II. LOCAL GOVERNMENT ACTION

The Monterey County Board of Supervisors Board of Supervisors approved a coastal permit for the proposed subdivision project with 124 conditions on October 28, 1997 (see Exhibits 3 & 4). Previously, the Standard Subdivision Committee and Planning Commission recommended approval of the project. The County's final action was received by the Coastal Commission on November 19, 1997, triggering an appeal period running from November 20, 1997 through December 5, 1997.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP, which is the case for this project. Finally developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county (Coastal Act Section 30603(a)).

For projects not located between the sea and the first public road paralleling the sea, which is the case here, the grounds for an appeal shall be limited to an allegation that the development does not conform to the certified LCP (Coastal Act Section 30603(b)(1)).

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue," which is the case here, and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Coastal Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to Coastal Act Section 30603.

MOTION: Staff recommends a "no" vote on the following motion:

I move that the Commission determine that Appeal No. A-3-MCO-97-089 raises **no** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. STAFF RECOMMENDATION ON COASTAL PERMIT

Staff recommends that the Commission adopt the following resolution to conditionally approve a coastal permit:

MOTION: Staff recommends a YES vote on the following motion:

I move approval of coastal development permit A-3-MCO-97-089 with the recommended conditions.

A majority of the Commissioners present is required to pass the motion.

RESOLUTION: Approval with Conditions:

The Commission hereby **grants** a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformance with the applicable provisions of certified Monterey County Local Coastal Program and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act that have not been feasibly mitigated.

VI. RECOMMENDED CONDITIONS

A. Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Retention of County Conditions:** All 124 Conditions of County Combined Development permit # SB 9700 for a Coastal permit and tentative subdivision map become conditions of this coastal permit with the exception of conditions #1, 15, 94b, 94e2, 103, 105 and 118. County Condition #1 is replaced below. County conditions #15 is deleted. County conditions #94, 103, 105, and 118 are modified below. (Note: references to specific lot numbers in the retained conditions are to the areas where the currently proposed lot lines are shown in Exhibit 4 ; the areas in question will remain subject to the conditional requirements even though the lot numbers may change pursuant to Special Condition #2 below).

Retained County Condition #120 is, therefore, modified to read, "The applicant shall record a notice which states: 'A permit (~~Resolution 97-466~~) was approved by the ~~Board of Supervisors~~ Coastal Commission on March 11, 1998 for Assessor's Parcel Numbers 181-251-001 & 003 which modifies and supersedes the Board of Supervisors approval (Resolution 97-466) of an October 28, 1997. The permit was granted subject to 124 conditions of approval, modified (and reduced by one) by six Coastal Commission special conditions, all of which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)."

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide evidence to the Executive Director that those conditions requiring action prior to the commencement of any work have been signed-off by the appropriate County official. Evidence of subsequent condition compliance must also be submitted to the Executive Director at the required stage. In the event that County officials do not exercise such authority, permittee shall submit condition compliance materials to the Executive Director for review and approval. Additionally, permittee must submit the required scenic and conservation easement deed language (County condition #94) for Executive Director review and approval before it is recorded.

2. Development Away from Prime Soils and Reduced Density: [This condition substitutes for County condition #1.] **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for Executive Director review and approval a revised tentative subdivision map for recording that eliminates residential and road development on the cultivated prime soils land, provides a minimum 50 foot buffer from such land to any adjacent residential building envelopes as shown on Exhibit 5, and eliminates a total of eight lots. The southeastern buffer area may include a realigned roadway. The "Project Area Not to be Developed" shown on Exhibit 5, exclusive of any road, shall be included in the proposed remainder parcel. The redrawn subdivision map must be accompanied by letters of concurrence from the County Planning and Building Inspection and Public Works Departments and the North Monterey County Fire District that the redrawn lots will meet applicable County building, setback, road access and other subdivision design requirements. A copy of the recorded tentative map shall be submitted to the Coastal Commission within one week after it is recorded.

Any development not shown on the revised tentative subdivision map necessary for the subdivision, including all off-site improvements, shall be shown on final plans submitted for Executive Director review and approval **PRIOR TO COMMENCEMENT OF CONSTRUCTION**. The tentative map and any such final plans shall reflect compliance with permit conditions. No other development is allowed by this permit. Any future development (including future residential development on the new lots) is subject to a separate coastal permit that would be issued by Monterey County (or the California Coastal Commission, upon appeal). Any new or expanded agricultural activity on slopes greater than 10% requires County approval of an agricultural management plan.

3. Revised Scenic Easement: Parts of County Condition # 94 are revised as follows:

...Prior to the issuance of Grading or Building Permits, a Scenic and Conservation Easement Deed shall be recorded over the areas outside of the building envelopes over

the entire remainder of the site. Concurrent with the revised tentative map submittal and prior to recording, the permittee shall submit the document for Executive Director review and approval. Said conservation and scenic easement deed shall:...

b. Prohibit agricultural uses on lots 1-30 and within all but 55 designated acres of the remainder parcel including 1) land clearing, discing, plowing, leveling, scraping, or other similar land disturbance to accommodate the planting of any crop; 2) agricultural uses on lots 1-30 and within all but 55 designated acres of the remainder parcel including: 1) land clearing, discing, plowing, leveling, scraping, or other similar land disturbance to accommodate the planting of any crop; 2) the keeping of horses or other stock animals; and 3) the construction of any stables, corrals or pens for the keeping of such animals on lots under 5 acres committed to residential development and in any riparian corridors or other environmentally sensitive habitats....

e. Prohibit the construction of structures or other improvements requiring land disturbance except:...

2) the development of open space uses designed to serve the subdivision only within the 52-acre non-irrigated open space areas of the remainder parcel, including habitat restoration designed to serve the subdivision only within the 52-acre non-irrigated open space areas of the remainder parcel, subject to the issuance of a Coastal Development Permit when required by the LCP: ...

f. Provide for continued agricultural use of the easternmost 11.4 acre field as depicted on Exhibit 5.

g. Prohibit any clearing of riparian vegetation for agricultural purposes. A purpose of this easement is to establish a riparian buffer that is at least 50 feet from each side of the bank of Carneros Creek or extends further to cover all of the riparian vegetation, pursuant to North County Land Use Plan policy 2.3.3.B.1.

h. Prohibit any future subdivisions that result in more than 23 total residential lots over the entire 195 acre property.

i. Show all building envelopes at least 200 feet from lands designated "Agricultural Conservation" and at least 50 feet from land to remain in agriculture (see Exhibit 5) and indicate that the 200 foot buffer between the building envelopes and the "Agricultural Conservation" district or land retained in agricultural use is to be maintained in open space and not used for recreation, in order to protect agriculture from impacts of new residential developments and to mitigate against the effects of agricultural operations on the proposed uses."

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed or the enforceability of the easement.

This easement shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit. A copy of the recorded document shall be submitted to the Coastal Commission within one week after it is recorded.

4. Wetlands Mitigation: County Condition #103 is revised as follows:

~~If feasible, the location is delineated as wetlands pursuant to Condition # 105 below, the proposed entry road shall be re-routed approximately 25 meters to the south approximately 25 meters to the south to avoid and be buffered from existing willow trees within the wetlands. Willow trees damaged or removed during construction of the proposed entry roadway shall be replaced using the same method as described in Mitigation Measure 2.7.6 above.~~ Mitigation Measure 2.7.6 above Condition #101 above.

5. Wetlands Delineation: County Condition #105 is augmented to include the following additional language:

PRIOR TO ISSUANCE OF THE COASTAL PERMIT and concurrent with submittal of the tentative map, the permittee shall submit for Executive Director review and approval a supplemental biologic survey report that specifically delineates all on site and off-site wetland and riparian habitats areas affected by the project (e.g., road work on Johnson Road; extension of water line from Las Lomas, secondary access road). The report shall be prepared following the criteria of County Code Section 20.144.040 and using the Coastal Commission's *Guidance for Review of Wetland Projects in California's Coastal Zone* as guidance for wetland identification.

The final plans shall be revised as necessary to show no new development within any wetland or riparian habitat; roads and utilities shall be rerouted or bridges shall be installed which span the habitats. Improvements to existing facilities in the wetlands or riparian areas (e.g., bridge over Johnson Road, secondary accessway) shall result in no additional wetlands fill. A mitigation plan for any temporary disturbance of wetland/riparian vegetation or watercourses shall be submitted for Executive Director review and approval along with evidence of any other required agency permits or consultations (e.g., Department of Fish and Game) as part of the biological survey report.

6. Adjacent Agriculture: County Condition #118 is revised as follows:

A disclosure notice shall be recorded with the deeds for Lots 8, and 14 17-19 that the adjacent land use ~~to the east~~ may produce noise, dust, odors, storage and use of hazardous substances from agricultural processing and transportation of agricultural products.

VII. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Background

1. Setting:

The subject site is the 195 acre Triple M Ranch, south of Hall Road and west of Johnson Road in North Monterey County (see Exhibit 2). The ranch has historically been, and continues to be, used for crop cultivation and grazing. A residence and associated farm buildings currently exist on the property. Portions of the site remain undisturbed brush and tree-covered. Included on the Ranch property is an .8 mile segment of Carneros Creek which flows into Elkhorn Slough; hence, the site is in the Elkhorn Slough watershed. It is located in a rural fairly undeveloped area, east of and on the opposite side of Hall Road from the community of Las Lomas. A concentration of agricultural buildings is further east in the vicinity of Live Oak Road.

2. Subject Permit Request:

The proposed project is a resubdivision of 87.5 acres of the ranch into 31 residential parcels and a 107.5 acre remainder parcel (see Exhibit 4). Currently, the subject site consists of two large parcels, of 85 and 110 acres. The proposed new lots will range in size from one to 13 acres running up the hillside off a new access road and two branch streets. 299,918 cubic yards of grading is proposed. On-site septic systems are shown for each home site. Infrastructure includes a new water system connecting to the California Water Service Company which serves the nearby Las Lomas community, other utilities, and pedestrian pathways. A secondary access road is also required to be improved to 20 feet wide. Off-site improvements include a water line to the site, possible improvements to Johnson Road including widening the bridge over Carneros Creek, and an access road from Johnson Road to the project site. The 107.5 acre remainder parcel includes most of the level Carneros Creek floodplain lands and contains two ponds.

3. Effect on County Action:

The County issued a Combined Development Permit which includes authorization for a tentative subdivision map and also granted a coastal permit for this project (see Exhibit 3). The Commission's substantial issue determination and subsequent approval of this coastal permit, subject to the conditions specified above, vacates and supersedes this County action at least to the extent that it approves issuance of a coastal permit (as provided in Section 20.82.080 of *Monterey County Coastal Implementation Plan*). As an exercise of its authority to issue a Tentative Subdivision Map, the County may amend subdivision permit, or issue a new permit, consistent with the terms of this coastal permit, before the project may proceed.

B. Prime Soils**Appellants' Contention:**

The appellants contend:

This is a proposal to subdivide a portion of a 195 acre ranch into 31 residential lots in North Monterey County. 7.2 acres of the area to be subdivided and converted to residential use is prime agricultural land. A total of 20 acres of productive land would be lost. The permit approved by Monterey County is inconsistent with the following *North County Land Use Plan* policies:

- 2.6.1 The County shall support the permanent preservation of prime agricultural soils exclusively for agricultural use.
- 2.6.3.1c A very low-density residential land use designation that encourages agricultural use, Rural Residential, shall be applied...Agricultural management plans...shall be encouraged for existing cultivated agriculture uses...
- 2.6.3.4 Development of Rural Residential lands shall be allowed for agricultural-related facilities and very low density residential use. These uses shall be located, where feasible, to conserve lands suitable for cultivation.
- 4.3.6.D.4 A mix of agricultural and residential use is encouraged in Rural Residential areas. Residential subdivision and development in these areas shall be located according to site constraints. The most viable agricultural areas of the parcel should remain open for agricultural use.

No mitigation is provided for the prime soil conversion, and alternative site designs are available which could result in a project consistent with the cited policies.

Local Government Action:

As noted by the appellants, the County's coastal permit allows subdividing an 87.5 acre portion of a 195 acre ranch into 31 residential lots in North Monterey County. A good portion of the area to be subdivided and converted to residential use is productive agricultural land., some of which consists of prime soils (see Exhibit 5). The County findings justify this conversion as follows:

The design of the subdivision to establish an area within which agricultural uses will be allowed to continue will mitigate cumulative impacts on agricultural uses. The project is a rural residential development which clusters residential uses to allow the continuation of agricultural uses in a manner that would not be possible with a subdivision to create 5 acre lots on the parcel. The subdivision preserves nearly 7 times the amount of land for agriculture as the amount of prime soils used in the development. Conditions of approval

establish a limit on the number of acres that can continue in irrigated production. Areas to [be] maintained in agriculture will be lower elevation[s] of the site over which erosion and sedimentation into the Carneros Creek Watershed can be controlled.

Applicable Local Coastal Program Provisions

In addition to the policies cited by the appellants above, the *North County Land Use Plan* designates the subject property as "Rural Density Residential, 5 - 40 acres per unit."

However, policy 2.6.3.1, which addresses the appropriate land use designation for agricultural lands, is also applicable:

- a. An agricultural land use designation for prime and productive agricultural lands, Agricultural Preservation, shall be applied to all parcels containing prime and productive agricultural soils (SCS Class I -IV), and other lands in cultivated agriculture of less than 10 percent average slope. Emphasis is placed on including large contiguous areas in this designation in order to restrict the encroachment of land uses that may threaten the agricultural viability of these lands.
- b. An agricultural land use designation, Agricultural Conservation, shall be applied to 1) relatively small pockets of prime agricultural soils (SCS Class I and II) that are not within or adjacent to the more extensive agricultural areas designated under the Agricultural Preservation land use category, 2) other productive agriculture lands generally characterized by slopes over 10 percent with erodible soils once an agricultural management plan has been approved, and 3) grazing lands where such low-intensity agricultural use is the most compatible use of an area....Emphasis shall be placed on preserving the most viable agricultural areas of a parcel for agricultural use.

The subject parcel is located in Subwatershed #15, a designated Watershed Restoration Area (WRA) where land disturbance exceeds targets. *North County Land Use Plan* policy 2.5.3.C4.e permits "conversion of agricultural uses on prime lands in WRA's to residential uses only if methods of reducing erosion to acceptable (targeted) levels are not feasible and then only to the extent that surrounding prime lands are protected and the minimum necessary lands are converted to non-agricultural uses." Another possibly applicable policy 2.6.3.8 states in part:

Conversion of uncultivated lands to crop lands shall not be permitted on slopes in excess of 25% except as specified in policy 2.5.3(4) of this plan and shall require preparation and approval of an Agricultural Management Plan. Conversion of uncultivated lands to crop lands on lands where 50% or more of the parcel has a slope of 10% or greater shall require a use permit. Approval of the use permit shall follow the submission of an adequate management plan...

The *North County Land Use Plan* also has a relevant visual resources policy 2.2.2.6:

Agricultural uses on flat or rolling land should be preserved as a productive and visual resource. Agricultural uses on highly erodible slopes should be discouraged due to the visual degradation that results from runoff problems and resultant erosion scars.

as well as a relevant buffering policy 2.6.3.6:

For new development adjacent to agricultural areas, well-defined buffer zones shall be established within the area to be developed to protect agriculture from impacts of new residential or other incompatible development and mitigate against the effects of agricultural operations on the proposed uses. Subdivisions, rezonings, and use permit application for land adjacent to areas designated on the plan map for Agricultural Preservation or Agricultural Conservation shall be conditioned to require dedication of a 200 foot wide open space easement, or such wider easement as may be necessary, to avoid conflicts between the proposed use and the adjacent agricultural lands. For development adjacent to agricultural areas not designated for exclusive agricultural use, a reduced easement of not less than 50' shall be required....Permanent roads may serve as part of this easement.

Substantial Issue Analysis

There are at least three important agricultural issues raised by the County's approval: 1) conversion of the upland, sloping areas; (2) conversion of the lower, level, prime soils field; and (3) limitations to farming the proposed remainder parcel (which is addressed in Finding D below).

Sloping Lands: The coastal permit issued by the County will result in residential development within an area of 87.5 acres (see Exhibit 4). This is the southern portion of the site which slopes up from Carneros Creek. Much of this land is now cultivated, although it previously and until recently was pasture or undisturbed native vegetation, according to various land use maps. Given the sloping nature of the land and hence its erodability and given the *Land Use Plan* policies which designate the area "Residential" and discourage agriculture on steep slopes, a case can be made for conversion. Discontinuing what is fairly recent cultivation of the steep sloping land, where erosion is evident, is allowed by the *Land Use Plan* policies and designations cited above. In fact, under policy 2.6.3.8 it is not certain that this land should have even converted to crop land, since over 50% of the upper parcel is on slopes greater than 10% and some land over 25% may be in cultivation. The proposed building and septic envelopes are located off of the 25% and over slopes. The areas outside of these envelopes will be placed in a scenic and conservation easement where development and the keeping of livestock will be prohibited. Thus, the County approval of this aspect of the proposed project does not raise a substantial issue.

Level Lands: However, included in the proposed 87.5 acre development area is one lower, relatively flat field, located out of the flood plain and currently in year-round production. About 7.7 acres of this 11.4 acre field is within the proposed development envelope (see Exhibit 5). Six lots and parts of two others (#7 and #14) and roads are proposed for this field. About 3.7

acres is shown to be in the remainder parcel and could continue to be farmed. According to the *Soil Survey for Monterey County* and the project *EIR*, about 7 acres within the development envelope is shown as Class II soils, defined as prime under the Coastal Act and the Monterey County Local Coastal Program. The applicant has supplied a letter from Hanna & Brunetti, Civil Engineers, estimating a subdivision encroachment of only about 2.3 acres into the prime soils, by omitting roadways currently used, tree areas, and areas with slopes over 5%. A Coastal Commission staff recalculation of the acreages involved reveals about 6.2 acres of cultivated prime soils and 1.3 acres of uncultivated prime soils within the proposed development envelope (see Exhibit 5), based on the *Soil Survey* maps.

The County has apparently relied on the *North County Land Use Plan's* designation of the site as "Rural Density Residential" as the governing justification to allow conversion to residential uses. It is true that the development and certification of the *Land Use Plan* included this land under a "Rural Residential" category, suggesting its suitability for development. However, given the site's prime soils and other productive crop and grazing land, the site qualifies for at least an "Agricultural Conservation" classification under policy 2.6.3.1.

Despite not having such a designation, the facts remain that the *Land Use Plan* contains policies to address situations like the current one. Taken together, the above-cited policies clearly indicate the importance of preserving prime and productive agricultural land where feasible, even on "Rural Residential" designated lands. In this case, the total size of the field (11.4 acres), the location in a rural farm area on almost level ground, the current agricultural use, and the other viable agricultural use on the parcel operated by the same farmer, all suggest that prime and productive agricultural land protection can and should be achieved.

Conversely, the subdivision is designed to have a "finger" of developed land intruding into what would remain of the field (see Exhibits 4 and 5). This would constrain future farming operations on the approximately 3.7 acre portion of the field not to be developed. For proposed lots #2-4 the building envelopes are at least 100 feet away and separated from the fields with trees on one side and a proposed road on the other. However, the building envelope for proposed lot #1 is less than the minimum required 50 feet from lands that may remain in production. The County is not requiring a buffer, in violation of its *Land Use Plan* policy. Even with minimum buffers there could be pressure for the rest of this lower field to be retired. The County approval limits the 107 acre remainder parcel, which would include the portion of this lower field not slated for residential development, to only 55 acres of agriculture. Thus, there is no guarantee that this portion of the remainder parcel would stay in production. Given the small size of the remaining prime land field, its isolation from the rest of the lower fields, and the intrusion of several homes adjacent to it, it would be a prime candidate for fallowing.

In conclusion, approval of the proposed project, specifically allowing the lower seven lots on productive soils, raises a substantial issue as to conformance with the cited agricultural protection policies.

De Novo Coastal Permit Findings:

In order to approve a coastal development permit for subdividing the subject property consistent with all of the above cited local coastal program policies, development must not occur on the gentler sloping, prime, cultivated soils. As found above, the Commission can accept the County's approval of residential uses of the non-prime, steeper sloping, more erodible fields that only recently have been placed in production.

The crucial area in question is about 9 acres, plus 2 acres that would constitute a 50 foot buffer (see below). Pursuant to the cited policies, this land should remain in agricultural use under an agricultural easement. Retaining it in production would eliminate six or seven potential residential lots. This area would become part of the remainder parcel, increasing its size from 107.5 to approximately 118.5 acres.

Regarding buffers, by preserving the field in question for agricultural use, then at least one residential lot (proposed lot #8) will be adjacent to it. Since this field is not in an Agricultural Preservation or Conservation designation, a 50 foot buffer literally meets the *Land Use Plan* policy requirements. A greater setback would be desirable, as the policy provision is a minimum and 200 feet is the norm for prime land in North Monterey County (as well as adjacent Santa Cruz County). The building envelope on proposed lot #8 appears to be about 100 feet from the current edge of the field and thus would meet setback requirements. It also appears possible to have a building envelope on proposed lot #7, possibly reconfigured, that would also be a minimum 50 feet from the edge of the field to be retained. However, given other policy directives regarding density discussed in the next finding, this lot should simply be eliminated, along with proposed lots 1 through 6 and Street B.

The proposed road and drainage system would have to be slightly realigned to the southeast to keep the current prime soils field in tact. The buffering policy allows such a permanent road to be sited adjacent to agricultural land, so it could be resited within the buffer area shown on Exhibit 5. Realigning the road to the south to avoid the agricultural field would also help to preserve a stand of willow trees and move it away from the 100 year floodplain (see finding # D below).

One other buffering issue involves proposed lots #14 through #19. They are adjacent to land designated "Agricultural Conservation" in the *North County Land Use Plan*. All the proposed building sites are shown more than the required 200 foot buffer distance, except the one on lot #15. The County's requirement for a scenic easement needs to be modified to account for the required agricultural buffer. Also, the condition (#118) for acknowledgment of adjacent agricultural uses needs to be modified to account for all the parcels that would be adjacent to remaining agricultural or agriculturally-designated land.

As conditioned to require preservation of the prime agricultural field and to establish agricultural buffers, the project is consistent with the cited agricultural and land use policies.

C. Density Issues:**Appellants' Contentions:**

The appellants contend in part:

The permit approved by Monterey County is inconsistent with the following *North County Land Use Plan* policies:...

- 2.6.3.1c A very low-density residential land use designation that encourages agricultural use, Rural Residential, shall be applied...Agricultural management plans...shall be encouraged for existing cultivated agriculture uses...
- 2.6.3.4 Development of Rural Residential lands shall be allowed for agricultural-related facilities and very low density residential use. These uses shall be located, where feasible, to conserve lands suitable for cultivation.

Local Government Action:

The County permit allows for the creation of 31 residential lots on the subject sites, resulting in an average density of 6.29 acres per parcel. This number represents the maximum amount of units that the site's zoning allows under the County's interpretation of policy 2.8.2.5. This policy states that portions of parcels which are unsuitable for development due to the presence of geologic, flood, or fire hazards, shall not be included in computations of density for proposed development. The County approval applies this policy only to floodways, because there is an absolute policy prohibiting development in floodways (policy 2. 8.3B2). The floodway area is 38.79 acres. Thus, the net developable area is calculated to be 157.21 acres, which, divided by 5, results in a maximum of 31 lots for the site.

Applicable Local Coastal Program Provisions

The *North County Land Use Plan* designates the subject property as "Rural Density Residential, 5 - 40 acres per unit." The zoning is RDR/5(CZ) (Rural Density Residential), a maximum of one unit per five acres. As mentioned, portions of parcels which are unsuitable for development due to the presence of geologic, flood, or fire hazards, shall not be included in computations of density for proposed development under *Land Use Plan* policy 2.8.2.5. Under policy 2.8.2.1, "areas of a parcel which are subject to high hazard(s) shall generally be considered unsuitable for development." High hazard areas are defined under Section 2.8 as:

- zones 1/8 mile each side of active or potentially active faults areas[; areas] of Tsunami hazard;
- areas indicated as "underlain by Recent Alluvium" and "Relatively unstable upland areas" in the County Seismic Safety Element;

- Geotechnical Evaluation Zones IV, V, VI on the County Seismic Safety Element maps;
- the 100 year floodplain;
- areas classified as having a high to extreme fire hazard through application of the Department of forestry criteria.

Further guidance regarding floodplains is found in policy 2.8.3B3, "All new development shall be located outside the 100-year floodplain to a maximum extent feasible." Minimum lot size is one acre to allow for clustering under Code Section 20.144.070.E.15, provided overall density standards on the parcel are not exceeded. The certified zoning map shows various maximum densities of 5, 10, or 40 acres within areas designated "Rural Density Residential" in the *Land Use Plan*. Even though the certified zoning on this parcel falls at the highest end of the permitted *Land Use Plan* density, additional policy guidance is provided as to appropriate densities:

- 2.5.3C5: These densities are maximums, that may be approved under ideal conditions where all resource considerations of the plan can be fully met...In areas designated for Rural Density Residential development densities shall be reduced as necessary in order to site all development in Non-Critical Erosion Areas..."
- 4.3.1G: Development densities from 1 unit on 40 or more acres to a maximum of 1 unit per 5 acres would be allowed according to an evaluation of existing resource and public facilities constraints, and the residential character of the area. Site densities will be determined upon application review.
- 4.3.6D1: Land divisions for residential purposes shall be approved at a density determined by evaluation of site and cumulative impact criteria set forth in this plan. These include geologic, flood, and fire hazard, slope, vegetation, environmentally sensitive habitat, water quality, water availability, erosion, septic tank suitability, adjacent land use compatibility, public service and facility...
- Code Section 20.64.180D: The maximum density established under this Section shall be utilized as the basis to begin consideration of the density appropriate for development of a specific parcel. Such established maximum density is not a guarantee of possible development potential of any given property. Density of development shall ultimately be determined through the permit process, consideration of site conditions on the specific property and of details of the specific development proposal without imposing undue restrictions on private property. Such considerations may include but are not limited to:
 1. soils;
 2. available supply and priorities for water;
 3. traffic;
 4. sewage disposal;
 5. development design;
 6. known hazards;

7. public facilities, such as schools and police and fire facilities;
8. environmentally sensitive habitat;
9. archaeological and historical resources;
10. housing demands of the County;
11. employment needs;
12. development of the County's economic climate; and
13. attainment of State mandated fair share housing.

Substantial Issue Analysis

There are three concerns with the County's density calculations. First, the County has too narrowly interpreted policy 2.8.2.5 to apply only to floodways. Floodways are defined in the *North County Land Use Plan* as, "the channel of a stream or other watercourse and the adjacent land area required to carry and discharge the 100-year flood and which must be kept free of encroachment in order to avoid an increase in water surface elevation of more than one foot at any point." 100 year floodplains are "the nearly level land situated on either side of stream channel which is subject to the overflow of flood waters which, may on the average, occur once every 100 years." A reading of all the policies cited above clearly shows that the entire floodplain is unsuitable for development and thus must be subtracted out of the gross acreage in order to determine maximum density. Under *County Code Implementation Section 16.16.050D2*, "on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding." From a practical perspective it is unwise to build in a floodplain, especially in an area that relies on septic systems, which if inundated, could pollute the area.

Second, the County has not addressed policies 2.6.3.1c and 2.6.3.4, which speak of a "very low density residential use." The County has afforded the subject sites the maximum density allowed, based on their interpretation of policy 2.8.2.5. Read in conjunction with Implementation Plan Section 20.64.180D and other *Land Use Plan* provisions, these policies suggest that the maximum density would be too high for an agricultural parcel such as the subject one. "Very low density" in North Monterey County generally would mean one unit per 40 acres. Moreover, as discussed later, there are also other potential site constraints including steep slopes and sensitive riparian habitat.

Third, the County considered both subject parcels together in calculating density rather than distinguish the two distinct parcels that are part of this application. Existing parcel 181-251-03 parcel is 85 acres; the other parcel is 110 acres. At least a small portion of the 85 acre parcel is a floodplain and has a landslide area; thus, there is a net of less than 85 developable acres. Therefore, the maximum density that could be allowed on this parcel alone at one unit per five acres is 16 lots. The other parcel, although 110 acres, is mostly undevelopable. Almost 80 acres is in floodplain (see Exhibit 6). The areas outside of the floodplain are narrow and irregularly shaped and not all contiguous. This non-floodplain area is composed of steep slopes, riparian vegetation, other trees, a pond, access road easement, and cultivated prime and non-prime soils. This parcel, by itself, could at most fit

one to three homesites out of the floodplain, especially given acreage needs for septic systems and required stream setbacks.

For all of these reasons a substantial issue is raised as to the density permitted under the County's approval.

De Novo Coastal Permit Findings

To approve a coastal permit for a residential subdivision on these sites, the net developable area has to be determined and the resultant maximum allowed density has to be analyzed for LCP policy conformance. As noted, Policy 2.8.2.5 requires subtracting out high hazard areas from the gross acreage. The gross acreage in this case is 195 acres. This acreage is the combined total of the two subject parcels'. The Commission accepts that this is a resubdivision allowing both parcels to be merged and then resubdivided pursuant to *County Code Section 19.11.055*. This is in effect a transfer of development credits. In this case it is appropriate given that these parcels along with others once comprised a larger Triple M Ranch. The Commission notes that such merger/resubdivisions must each be analyzed individually and may not always be approvable where the resultant density is greater than would be if each parcel were considered individually.

In total, the floodplain is 79.3 acres (according to the FEMA map, 83.4 acres on the EIR consultants' map; see Exhibit 6). Thus, the net developable area is no more than 115.7 acres. It actually is slightly less due to the mapped presence of landslide areas shown at the edge of proposed parcels 12 and 13 and 15 and 16, which are unsuitable for development as well. The maximum number of units at one unit per five acres is 23. According to the applicant's site plan approved by the County, this number of homes with septic systems can fit on the site and avoid steep (over 25%) slopes and sensitive habitats, and, as noted in the above findings, be buffered from the agricultural land. Because of this and given that the proposed project clusters units and the zoning designation is up to one unit per five acres, the Commission finds that the intent of the cited policies concerning density can be met in allowing 23 units. As conditioned for a maximum of 23 units, the proposed project is approved as consistent with the cited Local Coastal Program density policies.

It will be the applicant's responsibility to redraw the proposed subdivision to eliminate eight lots. As explained in the previous finding, the seven proposed lower lots are to be eliminated to preserve agricultural land. The applicant may eliminate another lot, through combining it with other proposed lots, redrawing parcel lines to increase the size of some other parcels, and/or placing it in an open space reserve. County Condition #61 already requires an updated map indicating septic envelopes for all the lots to the Division of Environmental Health for review and approval. The redrawn map also needs to be reviewed by the County Planning and Building Inspection and Public Works Departments and the North Monterey County Fire District to ensure that the parcelization and infrastructure will meet applicable County building, setback, road access and other subdivision design requirements, as conditioned.

The Commission notes that because proposed lot sizes are below the minimum allowed average size, it is necessary to ensure against future subdivision that would be inconsistent with either the certified local coastal program or this approval, pursuant to Section 20.142.070.A.14 of the County Code. This is partially accomplished by County condition #124, which requires that the applicant request in writing the combining B-6 zoning classification for the entire subdivision. The B-6 zone prevents any further subdivision (Code Section 20.42.020.F). However, since the rezoning is not guaranteed to occur and could be changed in the future, the Code also requires deed restrictions against subdividing parcels which would appear to still be able to be split (i.e., over 10 acres, since the zoning density is 5 acre minimum). Thus, as conditioned for such a deed restriction, the proposed project is consistent with these cited provisions.

D. Water Use and Remainder of Site

Appellants' Contention:

Appellants contend,

The project requires water use to be limited, by placing limits on overall agricultural land cultivated (a priority use) rather than on residential development or rather than by allowing efficient irrigation practices. This requirement is inconsistent with *North County Land Use Plan* policy 4.3.5.4:

Where there is limited land, **water**, or public facilities to support development, coastal-dependent agriculture, recreation, commercial, and industrial uses shall have priority over residential and other non-coastal-dependent uses (emphasis added).

Local Government Action:

The final permit approved by the Board of Supervisors limited agricultural use to 55 acres to be designated on the remainder parcel; any other agricultural use of the property was prohibited. The other 52 acres of the remainder parcel were for non-irrigated open space uses. On the proposed residential lots no planting of crops and no keeping of large animals is allowed, except on proposed parcel #1, a 13 acre lot that already contains a farm house complex (under condition #94b). Condition #15 states in part that,

the net water use of the property shall decrease through the retirement of approximately 20 acres of agricultural production. The remainder shall be converted to non irrigated open space use. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require a water balance analysis and implementation of mitigation measures to the satisfaction of the General Manager of the Water Resources Agency.

County findings indicate, "The project is designed to achieve a positive water balance and will reduce the amount of water currently used on the property by 31 - 53.5 acre feet per year."

Local Coastal Program Provisions:

In addition to the policy that the appellants cite and in addition to the cited agricultural policies, the certified, governing *North County Land Use Plan* provides:

- The County's policy shall be to protect groundwater supplies for the coastal priority agricultural uses with emphasis on agricultural lands located in areas designated in the plan for exclusive agricultural use. (Policy 2.5.3A1)
- The County's long-term policy shall be to limit ground water use to the safe-yield level. The first phase of new development shall be limited to a level not exceeding 50% of the remaining buildout as specified in the LUP. This maximum may be further reduced by the County if such reductions appear necessary based on new information of if required in order to protect agricultural water supplies. Additional development beyond the first phase shall be permitted only after safe-yields have been established or other water supplies are determined to be available by an approved LCP amendment. (Policy 2.5.3A2)

Furthermore, Section 20.144.070.E11 of the governing *Monterey County Coastal Implementation Plan* provides:

Development shall not be permitted if it has been determined, through preparation of a hydrologic report, or other resource information that (a) the development will generate a water demand exceeding or adversely impacting the safe, long-term yield of the local aquifer; and, (b) there are no project alternatives and/or mitigation measures available that will reduce the development's water uses to a level at which it will not exceed or adversely impact the safe, long-term yield of the local aquifer.

Substantial Issue Analysis:

The County permit aggressively addresses water use in conjunction with concerns about the documented groundwater overdraft in the area. However, the approach it takes in short-changing agriculture and rewarding new residential development is cause for concern, as are the calculations it employs for this approach.

Current Groundwater Overdraft: To its credit the County's conditional approval displays a willingness to go beyond the minimum mandates of the LCP, which are now outdated. *North County Land Use Plan* Policy 2.5.3.A.2 attempts to address the overdraft by requiring that

"additional development beyond the first phase shall be permitted after safe-yields have been established or other water supplies are determined to be available by an approved LCP amendment." The *Plan* limits to a set amount, new residential development, and the proposed 30 new residences are within the cap allowed under the first phase. Unfortunately, allowing all the new development slated under the first phase would simply exacerbate the current overdraft situation.

The *Plan*, furthermore states that its development cap may be reduced based on new information. A subsequent study is now complete: Vols. 1 and 2 of the *North Monterey County Hydrogeological Study*. The study confirms an existing overdraft of about 100%. To bring water use into balance with estimated "safe yield" supply, therefore, all existing activities must reduce water use by 50%, a new water source must be found, or a combination of these measures must occur. Thus, limits on new water use alone will not solve the problem; reductions of existing use and/or importing new sources is necessary. The County is considering a *North County Water Issues Action Plan* to address the conclusions and recommendations of the *Hydrogeological Study*. To date not all measures have been detailed nor has a target water use figure agreed upon. But one idea already under consideration is a fallow land bank program whereby agricultural land will be taken out of production. No target as to how much land should be taken out of production and hence how much this measure should contribute to a reduction (or a reduction in increase) of total area water use is offered. Commission staff have previously expressed concern about the proposed fallowing program:

With regard to the proposed **subdivision ordinance** revisions and the **fallow bank program**, more refinement is needed in our opinion. It would seem that in addition to the proposed Chapter 19 revision to require no net increase in water use, Specific Plan and/or Code language which is part of the local coastal program should be developed to govern the fallow bank program. First, the goals and objectives of fallowing need to be clarified in a manner consistent with the Coastal Act and the *North County Land Use Plan*. A program which simply substitutes equivalent water use by new residences for existing agricultural use is not consistent with Coastal Act priorities. The program should actually accomplish a reduction in overall groundwater consumption. Since there are other ways besides fallowing land to decrease agricultural use of water (e.g., changing crops, changing irrigation practices, and importing water, as noted in the *Hydrogeologic Study*), an overall program should be developed that includes these and does not place the entire emphasis on fallowing. Any fallowing program should be truly targeted at the lands that should not be farmed... (12/3/97 Hyman to Maki)

The County has prepared a draft Negative Declaration on the proposed fallowing and other *Action* programs. One suggested mitigation measure is that the fallowing program not include Class I and Class II soils. As part of its *North County Water Issues Action Plan* the County may be investigating further measures to reduce water use, including limits on new development.

To its credit the County has not awaited completion of the *North County Water Issues Action Plan* and possible corresponding LCP amendments to address overdraft in the permit

process. For a previous large subdivision, the County has required that there be no net increase in water use; a Water Use Mitigation Plan had to be submitted to show offset for the estimated 131 AF/yr of water that the new project would require (A-3-MCO-95-02, and -04 to CHISPA). Since the subject site was not being irrigated, the applicants satisfied the condition by indicating that they would purchase other rural-residentially zoned land and extinguish an equivalent water use. Some of this land is currently in production. In essence, the County approved additional residential subdivision at the expense of agriculture.

Concerns With Approach: For this project the County has even gone farther, requiring that there be a net decrease in water use. The problem with the permit condition is that it mandates only one way to achieve a reduction: eliminate 20 acres of agricultural use. It does not mandate a particular amount of water to no longer be used. There may be other ways of reducing water use and they may better fit the local coastal program priorities. The effect of this condition is that 52.5 acres of open land could not be irrigated, nor farmed, nor grazed (55 acres can be irrigated and the other 87.5 acres is within the area to be subdivided for residential lots), nor could individual lot owners have gardens (with the exception of the proposed 13 acre parcel). Prohibited activities include land clearing or other disturbance to accommodate the planting of any crop, the keeping of horses or other stock animals, and the construction of stables, corrals, or pens for such animals (Condition #94b). Since agricultural uses are permitted in the Rural Residential zone, since any adverse impacts from agricultural use can potentially be addressed by other means (e.g., by erosion control, use of water conservation measures), and since reduction of on-site water usage (however laudable) is not currently specifically required and is not to be achieved at the sole expense of agriculture, the County's approval to reduce agricultural acreage in the name of saving water raises a substantial issue as to conformance with the cited local coastal program policies.

Concerns With Calculations: Furthermore, the mathematical analysis underlying the County's condition is problematic. The final EIR estimates current water use on the Triple M Ranch to be 138 to 206 af/y, almost entirely for irrigating strawberries and row crops. (Actual metered water use for 1997 was 177.67 acre feet.) The proposed residences would use approximately 15.5 to 31 af/y and displace 11 acres of strawberries. Two acres would be removed for a road and nine additional acres would be fallowed, resulting in a total reduction of 57.5 -85 af/y of water use for crops. Thus, the project's total water use is estimated to be 107-152.5 af/y, a likely reduction over current use. The EIR states that there would be a net reduction in water use of 31 to 53.5 acre feet per year.

Unfortunately, two aspects of these calculations are too uncertain to support a permit condition. First, a range is given based on an estimated gross water use per acre of 1.6 to 2.4 acre feet for row crops and 2.3 to 3.4 acre feet for strawberries. The range is based on the amount of water necessary to apply given variable irrigation efficiency of 50% to 75%. If the site's water application was currently only 50% efficient and rose to 75%, then according to the figures in the EIR, there could be a net water use reduction of 67.5 acre feet per year, without any reduction in crop acreage. Conversely, this analysis shows that there might not be a net reduction in water use of 31 to 53.3 acre feet per year, simply by farming 20 less acres, if irrigation efficiency decreased. Other variables that would determine water use and

are not factored in include the type of crops being grown, the amount of precipitation, and the number growing cycles per year.

Second, these calculations are potentially unreliable due to uncertainty about the acreage estimated to be irrigated. For the water balance calculations, the EIR uses 50 acres of row crops and 25 acres of strawberries. A land use map prepared for the *Water Issues Action Plan* study shows approximately 85 acres in cultivation. Site and aerial photo observations reveal additional upland also under cultivation. The landowner has indicated that the amount of land that is farmed varies at least by season depending on flooding conditions. If the County desired to reduce water use by the equivalent of reducing agricultural acres by 20 (despite the flaws in such an approach just outlined), then an accurate survey of irrigated land would be required. If the more than 62 acres (55 acres allowed to remain in cultivation plus 7 accounted for to be fallowed) of the proposed 107.5 acre remainder parcel is farmed, which may well be the case, then a greater reduction in farmland than acknowledged in the EIR and permit findings is mandated by the County approval.

All of these concerns with the figures used by the County further contribute to the finding of substantial issue.

De Novo Coastal Permit Findings:

A coastal development permit that is consistent with the above-cited LCP provisions can be approved with no explicit water use restrictions, beyond mandating water conservation devices, for several reasons. First, the proposed development satisfies the cited *Land Use Plan* policy in that it is within Phase 1 future buildout levels. Second, there is no actual mandate in the local coastal program for a project to reduce water use, although *County Code* Section 20.144.070.E11 does mandate no net increase in water use, given the existing 100% overdraft condition. Third, the lower part of the site is a potential groundwater recharge area; therefore, reducing irrigation would not be so crucial since most applied water would recharge into the groundwater basin. Fourth, since agriculture is a priority use, it should not have its water use arbitrarily restricted. Fifth, there is no County program in place which appropriately targets specific water use reductions. The specific condition #15 that the County imposed is not justified in any event, as outlined above, and, hence, is deleted from the Coastal Commission's approval. And for all these reasons, a revised or replacement condition to reduce water use is unnecessary. Likewise, portions of conditions #1 and 94 that also restrict agricultural use to no more than 55 acres need be modified to delete that provision.

Having made this finding, the Commission still notes that the intention of the County's action to actually reduce water use is admirable and in this case, even without condition #15, will likely occur. The proposed development will likely result in a net decrease in water use because land is being taken out of production and generally agriculture uses more water per acre than rural residential use. Although the EIR states that 11 acres is being taken out of production, on-site review indicates that the figure is greater. Even with approximately 7.7 more acres of land remaining in production, as the Commission has conditioned, the estimated water use would be still be less than current use, unless per acre irrigation

application substantially increases. Also, estimated water use will be reduced by 4 to 8 acre feet per year due to the Commission's requirement to eliminate eight proposed residential lots. Given this outcome, then further fallowing of agricultural land on the remainder parcel is not needed to result in a reduction of water use. And since it appears that most of the proposed remainder parcel, certainly more than 55 acres, has been in production, there is no water use policy basis at this time for a 55 acre maximum cultivation area. There is also no justification to restrict individual lot owners from planting gardens. As conditioned by the County for water conservation devices and as conditioned by the Commission to so modify the County's conditions, the proposed project is consistent with the County local coastal program's water policies.

If any fallowing is to occur as part of a comprehensive County program, *Land Use Plan* policies point toward targeting the sloping, eroding, more recently converted areas not the flatter productive lands. And, as noted in the next finding, there may be a habitat rationale for restoring some of the site's agricultural lands back to riparian and wetland vegetation that would not be precluded by this Commission action with regard to water issues.

D. DeNovo Coastal Permit Findings On Remaining Agricultural Lands, Wetlands and Other Issues

Resource Issues Addressed: In order for the Commission to approve a coastal permit for the proposed project, consistency with all relevant LCP policies must be achieved. The subject site includes several coastal resources and constraints to development in addition to agricultural and groundwater concerns. The site includes a flood plain, steep slopes with potentially erosive soils, sensitive Maritime Chaparral and oak woodland habitats, and land in cultivation, and scenic hillsides. Potential adverse impacts were determined through an environmental impact report and mitigation measures were included as conditions of the County's coastal permit. These included, for example, erosion control and drainage plans, floodplain easements, water conservation measures, building and septic envelopes outside of steep (i.e., > 25%) slopes, preservation of trees, control of exotic plants, screening buildings, and a scenic and conservation easement. Overall, the County did an adequate job of addressing these issues. This Commission action retains the relevant County conditions.

Development in Wetlands and Riparian Areas:

Improvements to the findings and conditions of the County action regarding wetlands and riparian habitat are necessary in order for the Commission to approve a subdivision permit on the subject site (see Exhibit 7). A good portion of the proposed remainder parcel is wetland and riparian habitat, according to the EIR, aerial photographs, and a site visit. Unfortunately, the level of specific mapping that should have been undertaken pursuant to Section 20.144.040.A1 of the County Code was not included in the County permit file; the biotic resources map in the EIR is very general (figure 11). Therefore, it is not possible to know the precise acreage of protected habitat or the impacts of the proposed project. Additionally, detailed plans for any development at these locations are not available.

Land Use Plan Policy 2.3.2.1 requires that all development, including vegetation removal, excavation, grading, filling, and construction of roads and structures, shall be prohibited in riparian corridors and wetlands. There are several areas where consistency with this policy may be at issue -- unvegetated swale, riparian willow area, Carneros Creek at Johnson Road and new secondary accessway --as described below.

The EIR identifies an unvegetated swale which would be crossed by the main access road three times and altered by some proposed building envelopes. In the future it would likely be crossed by four driveways. The EIR concludes that the biologists have determined that is not considered a wetland; although the two appended biological reports are less definitive. Therefore, the coastal permit is conditioned only to install culverts if necessary where the proposed road will cross the swale (#8e). Project plans show such culverts as well as relocation of the swale to avoid building sites. Another short swale running into this one is shown to be rerouted to avoid a proposed detention pond. Site review and discussion with Department of Fish and Game personnel suggest that no further mitigation is necessary, as the swale does not qualify for protection under the County's riparian policies.

However, where this drainage swale bends to enter into Carneros Creek, the EIR identifies a stand of willows. Although willows are a wetland indicator species, this segment of the "swale" is not identified in the EIR as a wetland or riparian corridor. This area also falls within the 100 year floodplain. Although development is allowed in the floodplain with appropriate mitigation, it is to be avoided if at all feasible (e.g., *Land Use Plan* policy 2.8.3.B.3). The coastal permit is conditioned (#103) to relocate the access road 25 meters to the south to avoid the willows, if feasible. However, the road should be relocated if the area is sensitive habitat according to LCP, without concern for feasibility. Condition #103 requires willow tree replacement, although the reference to the replacement condition is incorrect and no mitigation plan is required. Discussion with Department of Fish and Game personnel indicates that this area may be subject to Fish and Game Code Section 1600 (stream alteration) jurisdiction and that they should be contacted for a field review (Palmesano to Hyman 1/28/98). The condition requires that they be consulted only if work is to occur in the winter, but their jurisdiction is not so seasonally restricted. This area needs to be resurveyed by a qualified biologist using accepted wetland delineation methods. The Local Coastal Program and the Coastal Commission's *Guidance for Review of Wetland Projects in California's Coastal Zone* provides such guidance.

Condition # 85 requires the applicant to pay a fee to improve Johnson Road bridge, as this is a traffic impact mitigation measure identified in the EIR. Improving the rest of Johnson Road from Hall Road to the project access road may also be required at the discretion of the Director of Public Works (#82 and #83). Johnson Road bridge crosses Carneros Creek. How the riparian corridor/ wetland area would be affected is unclear. Condition #101 requires willow and oak tree replacement with monitoring, but no formal mitigation monitoring plan. Again, Department of Fish and Game review may be required.

Condition # 86 requires improving a secondary access into the proposed subdivision for fire protection purposes. The plans show this access through the floodplain where a berm and bridge currently exist. These must be improved to be passable, but again how the wetland and riparian corridor will be affected is not specified. No conditions address this project component. Again, Department of Fish and Game review may be required.

These access road components involve potentially working in or adjacent to wetlands, which, if so, would render the County conditions inadequate to comply with the LCP policies. Therefore, additional conditions are necessary to first require better biological identification and second, if so identified, to better protect any wetland resources. Conditions thus also need to be modified to allow for the possibility of some redesign to address biotic concerns and hence for review and approval of any such revised plans as well as any specific mitigation plans. As so conditioned, the proposed project will comply with the County's wetland and riparian habitat policies.

The County condition to limit agricultural use to 55 acres has the potential to reduce any conflicts with habitat protection. Since, the Commission's approval does not include such a condition for the reasons stated above, then further review of potential impacts is warranted.

Agriculture and Habitats: Except for these access roads, the remainder parcel stays available for agricultural use. As conditioned, the remainder parcel is increased in size and this additional area is to be placed into an agricultural easement. As for the rest of the site, there are no specific development proposals included in the application. As conditioned, the limitation to farm no more than 55 acres is dropped and, thus, none of this area is required to be followed.

Carneros Creek runs the length of the parcel and has an identified riparian corridor. Although only schematically mapped in the County materials, aerial photographs and site observations and text indicate a fairly continuous band of riparian vegetation totaling roughly at least 25 acres (see Exhibit 7). Pursuant to several *Land Use Plan* policies, the riparian corridor should be protected under easement or deed restriction. Under *North County Land Use Plan* policy 2.3.3.B2 cultivated agriculture is not allowed within stream channels. Although implicit, the County's conditions do not explicitly prevent the applicant from removing the riparian corridor for agricultural purposes. There is a scenic and conservation easement requirement that can be modified to incorporate a riparian buffer.

As noted above about 80 acres is floodplain. Under *Land Use Plan* policy 2.8.3.B.6, continued agricultural use of the floodplains outside of stream channels should be encouraged as the most appropriate land use compatible with the objectives of floodplain management. Despite general compatibility, there is also potential for adverse impacts, such as from pesticides entering the surface or groundwater, disturbance of sensitive plant or animal species, or erosion causing sedimentation of the river channel. To some extent County permit conditions for erosion control (#5), best management practices, and a runoff retention pond to eliminate erosion and sedimentation from agricultural uses (#8e) would address these impacts.

Also, at both the eastern and western portions of the lower fields, the stream has formed additional channels. Review of historic maps shows that these were where the stream once meandered before it was channeled. Were farming to cease in these locations, riparian and wetland vegetation would likely re-emerge (Barkey to Hyman 2/11/98). The Commission finds that at this time, beyond preventing expansion of any activity in riparian corridors, as conditioned, there is no basis to require a restriction of current agricultural use. However, the Commission would most certainly look favorably at proposed wetland and riparian restoration projects, even if some agricultural land was to be reclaimed, as it has done at Moro Cojo Slough and Elkhorn Slough. The Commission notes that the remaining conditional requirements of the permit for flood and scenic easements would not prevent such restoration activities. Any such proposal should include more information than contained in the EIR to date to detail current and historic extents of sensitive habitats, restoration and groundwater recharge potential, viability of the remaining non-restored land for continued agriculture, and hydrology.

Although the proposed remainder parcel is largely cultivated, a portion is used for horses and the area was historically a ranch. Under Code Section 20.144.040C1d, "where development is proposed on parcels containing environmentally sensitive habitat, if domestic livestock are presently or proposed for location on the parcel, a condition of project approval shall be that fencing be erected in order to confine livestock to non-environmentally sensitive habitat areas." This policy also requires appropriate livestock management. The horse stables are currently located a considerable distance from the riparian corridor and other sensitive habitats. The noted County permit conditions along with the Commission conditions to protect the habitat will carry out the Local Coastal Program policies addressing grazing and livestock in habitat areas.

One final agricultural management issue involves steep slopes. Under Section 20.144.070.E17, an agricultural management plan shall be required for the development of new or expanded agricultural uses if the land to be cultivated contains slopes in excess of 10% or a K-factor in excess of .4. A small part of the remainder parcel has slopes over 10%, as does a large part of the proposed 13 acre parcel within the current farm complex. Since, there is no condition requiring an agricultural management plan, one needs to be added to cover this situation.

As conditioned by the County and, as further conditioned by the Coastal Commission to address wetlands and riparian habitat as discussed in this finding, the proposed project is consistent with Local Coastal Program policies.

E. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of CEQA. Section

21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. An Environmental Impact Report was prepared for this project. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the proposed project may have on the environment. Therefore, the Commission finds that the proposed development can be found consistent with the requirements of CEQA.

Reasons in Support of Appeal of Bricker Subdivision

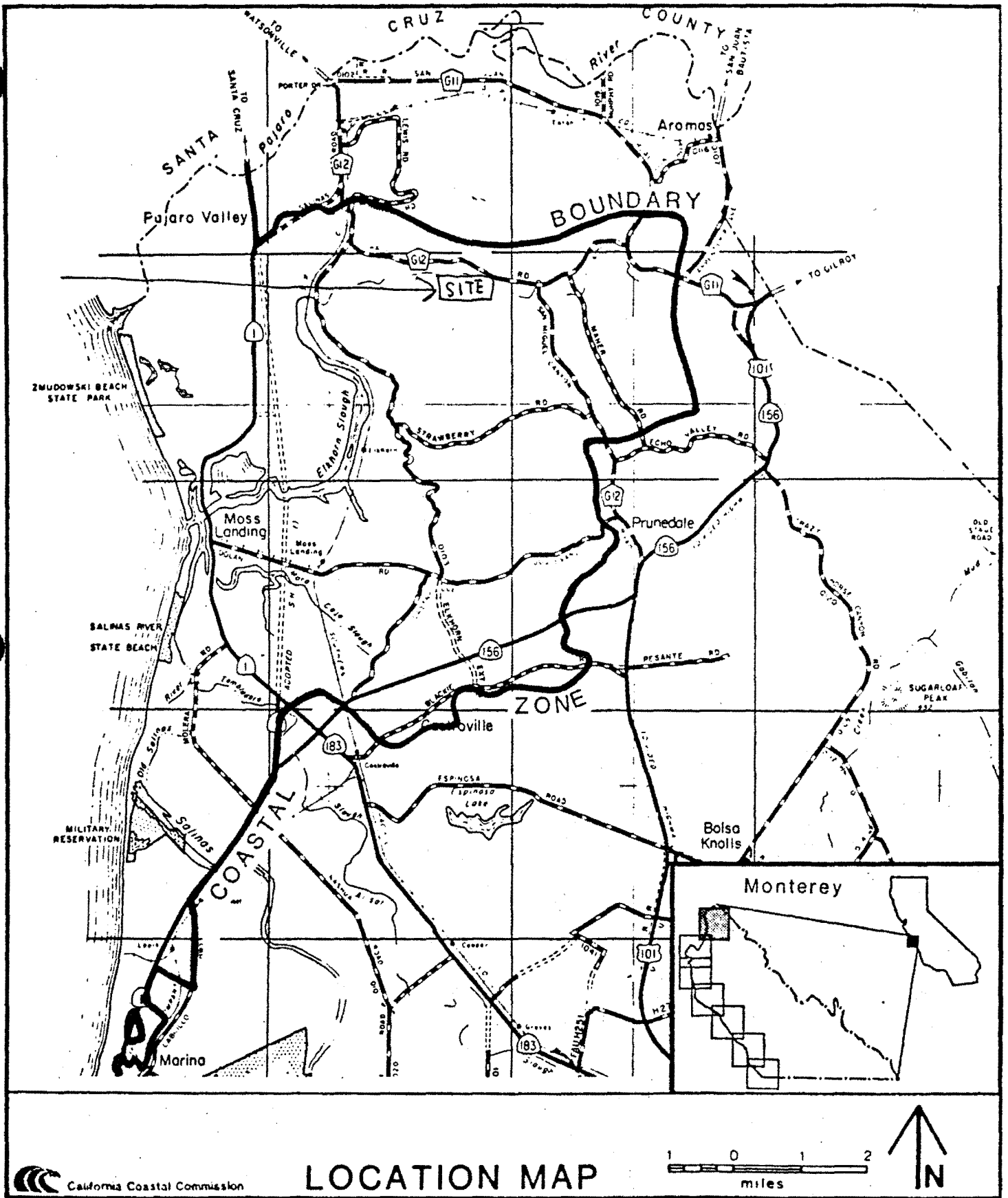
This is a proposal to subdivide a portion of a 195 acre ranch into 31 residential lots in North Monterey County. 7.2 acres of the area to be subdivided and converted to residential use is prime agricultural land. A total of 20 acres of productive land would be lost. The permit approved by Monterey County is inconsistent with the following *North County Land Use Plan* policies:

- 2.6.1 The County shall support the permanent preservation of prime agricultural soils exclusively for agricultural use.
- 2.6.3.1c A very low-density residential land use designation that encourages agricultural use, Rural Residential, shall be applied...Agricultural management plans...shall be encouraged for existing cultivated agriculture uses...
- 2.6.3.4 Development of Rural Residential lands shall be allowed for agricultural-related facilities and very low density residential use. These uses shall be located, where feasible, to conserve lands suitable for cultivation.
- 4.3.6.D.4 A mix of agricultural and residential use is encouraged in Rural Residential areas. Residential subdivision and development in these areas shall be located according to site constraints. The most viable agricultural areas of the parcel should remain open for agricultural use.

No mitigation is provided for the prime soil conversion, and alternative site designs are available which could result in a project consistent with the cited policies. The project requires water use to be limited, by placing limits on overall agricultural land cultivated (a priority use) rather than on residential development or rather than by allowing efficient irrigation practices. This requirement is inconsistent with *North County Land Use Plan* policy 4.3.5.4:

Where there is limited land, **water**, or public facilities to support development, coastal-dependent agriculture, recreation, commercial, and industrial uses shall have priority over residential and other non-coastal-dependent uses (emphasis added).

EXHIBIT NO. 1
APPLICATION NO.
3-MCO-97-89 3M
Appellants' Contentions



**BEFORE THE BOARD OF SUPERVISORS IN AND FOR THE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

Resolution No. 97-446

Public Hearing to:)
1) certify a Final Environmental Impact Report and)
2) approve a Combined Development Permit)
consisting of a Coastal Development Permit and)
Standard Tentative Subdivision Map to allow the)
subdivision of 195 acres into 31 lots and a 107 acre)
remainder parcel (Triple M Ranch Subdivision -)
SB92001, Steve Bricker))
Staff Recommendation: Approval)

In the above matter:

WHEREAS: The Monterey County Board of Supervisors pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located on a portion of Sections 25 and 26, Township 12 South, Range 2 east, and Parcel 3 of lot 11, Assessors Map 1, Los Carneros Rancho, Hall District Area, located Southerly of Hall Road and Westerly of Johnson Road, Coastal Zone,

WHEREAS: The Board held a continued public hearing (open) to: 1) certify a Final Environmental Impact Report and 2) approve a Combined Development Permit consisting of a Coastal Development Permit and Standard Tentative Subdivision Map to allow the subdivision of 195 acres into 31 lots and a 107.5 acre remainder parcel (EIR 94-04 and Triple M Ranch Subdivision SB 92001, Steve Bricker).

NOW, THEREFORE, the Board of Supervisors does hereby:

- 1) Certify the FEIR and adopts findings for certification of EIR 94 - 04 for the Triple M Ranch Subdivision,
- 2) Adopts the following findings required by CEQA pursuant to PRC 21081; and
- 3) Approves the application of the Triple M Ranch Subdivision (SB92001) and adopts the following findings and conditions of approval for Combined Development Permit:

EIR CERTIFICATION FINDINGS

1. FINDING: A Notice of Preparation and Initial Study for the Triple M Ranch EIR was circulated to State, regional, and local agencies and to interested community organizations and individuals and a 30 day comment period, ending on June 3, 1996, was established and provided such agencies and individuals an opportunity to identify issues and concerns to be addressed in the Draft EIR; an

EXHIBIT NO. 3
APPLICATION NO.
A-3-MCO-97-89 3M
County Approval

2. FINDING: Each topic identified in the Initial Study, all concerns expressed in appropriate comments received following publication of the Notice of Preparation, and all relevant aspects of previous environmental analysis affecting the subject property were compiled and addressed in the manner required by the CEQA; and
3. FINDING: The resulting Draft EIR was made available and circulated for review and comment by the public and other interested parties, agencies, and individuals for a period of 45 days ending on November 7, 1996 and notices of completion and availability were issued and published to ensure the adequacy of public review in the manner required by CEQA; and
4. FINDING: Following the expiration of the 45 day public review period, comments on the adequacy of the Draft EIR were obtained, appropriate responses to each comment were prepared and published and the Draft EIR modified as necessary in response to such comments received as indicated in the Final Environmental Impact Report; and
5. FINDING: The Final EIR has been reviewed by the Standard Subdivision Committee and the Planning Commission and the results of that review have been incorporated into the findings and conditions recommended for adoption by the Board of Supervisors as contained in resolution Planning Commission Resolution 97070 dated October 8, 1997; and
6. FINDING: The Final EIR was presented to the Board of Supervisors as recommended by Planning Commission for consideration prior to approval of the project; and
7. FINDING: On October 14, 1997 the Board of Supervisors provided an opportunity for public review and comment on the Final EIR; and
8. FINDING: The Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act (CEQA).
9. FINDING: The Final Environmental Impact Report reflects the Board of Supervisors' independent judgment.
10. FINDING: The Board of Supervisors reviewed and considered the information in the Final EIR before approving the Triple M Ranch Project.
EVIDENCE: SB92001, administrative record; record of hearings
11. FINDING: The Board of Supervisors having considered the recommendation of the Planning Commission as stated in Resolution 97070 considering the foregoing, hereby:
 - 1) certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended; and
 - 2) adopts specific findings that the following changes or alterations have been required in and incorporated into the project which substantially lessen the significant environmental effects identified in the final EIR as follows:

Geologic Hazards Impacts 1-4 -

It is highly probable that future development at the site will be subject to severe ground shaking, soils on the site are erosive, subject to liquefaction, and slippage. To avoid damage to project improvements from these hazards, conditions 88-91 incorporate mitigation 2.2.1-4 requiring that project structures and subdivision improvements, including septic system leach lines and foundations be built to take into account and withstand maximum ground shaking intensity, slope instability, hazardous soil conditions and to minimize soil disturbance anticipated at the site in accordance with recommendations of the project geotechnical consultant and the Uniform Building Code.

Soils Impacts 1 and 2 The loss of approximately 7.2 acres of prime agricultural (class II) soil would result from the proposed project. Condition 15 requires that the applicant retire 20 acres of irrigated land currently being farmed with strawberries, achieving an overall reduction in water use, and that not more than 55 acres of the site be farmed. The design of the subdivision to cluster development will retain, in agricultural production, nearly 7 times the amount of land (7.5 acres on lots 1-6 and associated access) than would occur with subdivision of the parcel into 5 acre lots. This area to be reserved will be defined on the Final Map by exclusion from the scenic easement. The area allowed to remain in agricultural production and the 13 acre parcel containing the existing ranch home site are not recommended to be placed in a scenic easement in order to allow continuation of agricultural uses.

Conditions 5-8 incorporate mitigation 2.3.1-2 requiring the implementation of a detailed erosion control plan for the subdivision to eliminate sedimentation and runoff into the Carneros Creek Watershed. These conditions reduce the level of impacts to insignificance

Storm Drainage/Flooding Impact 1 and 2.

Condition 9-12 incorporate mitigation measures 2.4.2-3 requiring the applicant to prepare, implement, and manage a detailed storm drainage plan to the satisfaction of the Water Resources Agency and the Planning and Building Inspection Department. Condition 92 requires that the applicant obtain an NPDES permit and conform to FEMA flood plain regulations for portions of the roadway to be placed in a floodplain easement. These conditions reduce the level of impact to insignificance.

Ground Water Supply Impact 2

Conditions 12 - 16 require the applicant to prepare and submit a plan for water conservation to the Planning Director prior to approval of a final map. Conditions require that all front yards shall be landscaped at the time of construction with drought tolerant plants and water efficient irrigation systems in accordance with the County Water Resources Agency Ordinance # 3539. Conditions 51-58 require that the applicant connect to the California Water Company system. The project is designed to achieve a positive water balance and will reduce the amount of water currently used on the property by 31 - 53.5 acre feet per year. This and the payment of a fee to study groundwater resources in the area will mitigate impacts on groundwater supplies in the area.

Air Quality Impact 1

Impacts on air quality will be primarily from increases in particulate matter from construction activities. Condition 93, which incorporates mitigation measure 2.6.1, requires that subdivision improvement plans incorporate dust suppression measures which will mitigate this impact to a level of insignificance.

Biological Resources Impacts 1-6

Conditions of approval 94-104 incorporate mitigations 2.7.1-8 to avoid or mitigate impacts on oak woodland, riparian woodland, maritime chaparral, and wetlands. Potential impacts on oak woodland will be mitigated by protecting specified trees, scenic easement restrictions, grading practices and through avoidance in the construction of access and other subdivision improvements. Impacts on riparian woodland resources are mitigated in the design of the project to cluster lots outside this habitat, to construct access improvements during dry season only, and to replace individual willow and oak trees lost on a 1:1 basis. The project is designed to avoid development within or adjacent to areas which are potential habitat of the Western Pond Turtle, California Tiger Salamander, and Red Legged Frog. Conditions of approval require the construction of project access during dry season months only to avoid affecting the seasonal movements of these species. The project is required to avoid maritime chaparral habitat and conditions require that this habitat, along with oak woodland and riparian woodland areas be placed with scenic easement with use restrictions which limit land disturbance that could adversely affect these habitats. Individual plant species that could be affected by the project are required to be relocated.

Land Use Impacts 1-2

Conditions 107-114 have been incorporated into the project to mitigate adverse impacts on community character. The proposed project clusters residential development in a manner which preserves the rural residential character of the area.

Traffic Impacts 1-6

Conditions 79 - 87 require that the applicant construct improvements and pay a proportionate share of the cost of improvements required to mitigate the impacts to a level of insignificance. Improvements are required to ensure that access to the subdivision will not affect safety and service levels on roads in the vicinity of the project.

Services

Conditions of approval 51-58, 115 - 116, and local ordinances require that the applicant connect to water service, agree to pay applicable law enforcement and fire service mitigation fees, construct subdivision improvements and individual structures to provide for the safety and security of residents of the subdivision, pay required school fees, dedicate land or pay a fee for park services. These conditions and the design of the subdivision will mitigate impacts listed in FEIR section 2.10 on water, fire, law enforcement, parks, and schools to a level of insignificance.

Aesthetics Impacts 1 and 2

Conditions of approval 107 - 114 incorporate mitigations 2.11.1a - g and 2.11.2 requiring design review of all structures and subdivision improvements, landscaping to mitigate the effect of the project seen from adjacent residences, regulation of building heights and the location of building envelopes to mitigate the visual impact of development and submittal of plans prior to the approval of the Final Map. The subdivision access roads and building envelopes have been designed to follow natural terrain to avoid the construction of cut and fill slopes.

Cultural Resources Impacts 1 and 2

Condition 119 incorporates mitigation measures 2.13.1 and 2 requiring that if prehistoric cultural resources are found on the site that work be stopped and an evaluation be conducted and resources protected. Alteration to the existing structures on the site will require analysis of the historic importance of these structures prior to such alteration.

Cumulative Impacts on Traffic and Agriculture

Conditions of approval requiring the construction of improvements and the payment of a traffic fee at the time of issuance of building permits for each lot in the subdivision will mitigate cumulative traffic impacts to a level of insignificance. The design of the subdivision to establish an area within which agricultural uses will be allowed to continue will mitigate cumulative impacts on agricultural uses. The project is a rural residential development which clusters residential uses to allow the continuation of agricultural uses in a manner that would not be possible with a subdivision to create 5 acre lots on the parcel. The subdivision preserves nearly 7 times the amount of land for agriculture as the amount of prime soils used in the development. Conditions of approval establish a limit on the number of acres that can continue in irrigated production. Areas to maintained in agriculture will be lower elevation of the site over which erosion and sedimentation into the Carneros Creek Watershed can be controlled.

EVIDENCE: Materials contained in Monterey County Planning and Building Inspection Department File SB92001 and EIR 94-04.

12. **FINDING:** The Combined Development Permit, is within the appeal jurisdiction of the California Coastal Commission

EVIDENCE: Section 20.87.80.2 of the Monterey County Coastal Implementation Plan.

13. **FINDING:** The project, as described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements, and standards of the Monterey County Local Coastal Program.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with 1) the certified North County Land Use Plan, 2) the certified Monterey County Coastal Implementation Plan regulations for Rural Density Residential Districts in the Coastal Zone, and 3) Chapter 20.144 of the Monterey County Coastal Implementation Plan regulations for development in the North County Land Use Plan Area.

EVIDENCE: Policy Consistency Analysis contained in Chapter 2 of the Final EIR for the Triple M Ranch Subdivision

EVIDENCE: Information contained in Planning Dept File SB92001 and EIR 94-04

14. FINDING: The site of the proposed 31 lot subdivision is physically suitable for the type and density of the development proposed. The proposed project is located and designed to provide for public safety and is not located in an area designated as a High Fire Hazard Area. The proposed subdivision has been designed to avoid steep slopes, flood prone areas, and geologic hazards due to landslide or liquefaction and is therefore consistent with LUP policies 2.8.3.A&B.

No density has been afforded the project for flood hazard areas consistent with LUP Section 2.8.2.5 and CIP section 20.142.070.A.6.

The subject site is highly varied in topography and resources and consisting of a low flood plain, gently rolling hills and low ridges, and steep slopes and ridges. Development is proposed to be clustered in the mid range of site topography where soils are least erosive, the configuration of roads and lots will minimize land disturbance, avoid impacts to wetland, woodland, and chaparral biotic resources, enable more effective implementation of erosion control measures.

EVIDENCE: Information contained in File SB92001 and file EIR 94-04

15. FINDING: Conditions of approval comply with the provisions of Title 20 Chapter 20.90.

EVIDENCE: The conditions are based on the recommendations of the local fire district, the Monterey County Water Resources Agency, Monterey County Health Department and Monterey County Department of Public Works. Conditions incorporate the concerns and recommendations of those agencies. Additional conditions required for approval to assure that the proposed use and site amenities are compatible with other developments in the area.

16. FINDING: The proposed project is consistent with Section 20.155.140.B.3.a, of the Monterey County Coastal Implementation Plan. This Section establishes a 50% build-out figure which is permitted as the first phase of new development in the North County Land Use Plan Area in an effort to limit groundwater use to the safe yield level.

EVIDENCE: This is the 738 out of a maximum of 1,351 new lots or units (excluding one single family dwelling on a vacant lot of record) allowed to be approved since July, 1987 in the North County Land Use Plan Area.

17. FINDING: The project is consistent with Section 20.144.070 of the Coastal Implementation Plan regarding water resources. The parcel is located in North County Land Use Plan Subwatershed No 15 which is a Watershed Restoration Area. Conditions of approval require preparation of an erosion control plan for the subdivision to be submitted with improvement plans and for each lot prior to the issuance of a building permit. Condition 7 requires a \$500.00 contribution to be used for restoration of disturbed soils in the watershed.

EVIDENCE: Appendix 2A, North County Resource Maps, as found in the Monterey County Coastal Implementation Plan.

EVIDENCE: Sections 20.144.070 C.2., Erosion Control Plan Requirement, found in the Monterey County Coastal Implementation Plan.

18. **FINDING:** The project is consistent with LUP policies 2.5.3.C.3.a.-c (site development in non critical erosion areas and cluster development to reduce erosion consistent with other LUP policies) and 2.5.3.C.3.C.6.c. and Section 2.8.2.3 (erosion control plan required) Section 20.144.070.E.2., 4., 6., 7. & 14. (develop in non critical erosion areas, cluster in areas with lowest erosion potential, minimize vegetation removal, locate septic systems on slopes less than 25%).

EVIDENCE: Appendix C-1 of the Final EIR - preliminary Erosion Control Plan (Coats Consulting) Condition 5 requires the developer to prepare a detailed erosion control plan for the subdivision to be referenced on subdivision improvement plans. Elements are required in order to achieve consistency with these provisions of the LCP. The proposed project clusters residential development in one portion of the property in order to avoid environmental constraints, including slopes over 25% and soils which are more erosive. Conditions of approval limit uses on individual lots to avoid erosion in the developed area of the site.

EVIDENCE: Information contained in Planning and Building Inspection file SB92001 and EIR 94-04

19. **FINDING:** The proposed Triple M Ranch Subdivision is not likely to cause significant damage to archaeological or historical resources. The proposed project is located in an area of Moderate Archaeological Sensitivity. An archaeological survey has been conducted on the project site by Archaeological Consulting. The report states that there are no identifiable archaeological resources located on site. A condition has been added to require that work be stopped in the event that any archaeological resources are found on site. A survey is required to be completed prior to the removal of the existing residence and structures on lot 31. Therefore the proposed project is consistent with Policy 2.9.2.2 (required survey completed) and Implementation Plan Section 20.144.110.D.1 (stop work required)

EVIDENCE: Archaeological report prepared by Archaeological Consulting contained in the project file. Condition Number 120 requires that work stop in the event that any archaeological resource is found on site.

20. **FINDING:** The proposed project is consistent with policies of North County LUP regarding development adjacent to environmentally sensitive habitats (Maritime Chaparral, Riparian Woodland). The Biological Report prepared for the site by Richard H. Robinson, Ph.D. (November 1985); Judd Vandever and Associates (September 1994 and May 13, 1996) state no significant negative impact will result from this development. Mitigation measures included in the project include avoidance of wetland and riparian zones, avoidance of Maritime Chaparral Habitat (Pajaro Manzanita and Monterey Ceanothus) Conditions of approval require the applicant to comply with the mitigation's contained in the Biological Report.

EVIDENCE: The Biological Report prepared for the site by Richard H. Robinson, Ph.D. (November 1985); Judd Vandever and Associates (September 1994 and May 13, 1996) The Biological Report pursuant to requirements, of the North County Land Use Plan; Condition No. 94-106.

21. **FINDING:** The proposed project is consistent with North County LUP Policy 2.3.3.A.4 regarding the protection of Forest Resources and standards of the Implementation Plan 20.144.040C.1.e and 20.144.050 regarding Forest Resources Development Standards. A forest management plan was prepared for the site by Hugh Smith (March 10, 1989 and is on file in the Monterey County Planning & Building Inspection Department. No oak trees are proposed for removal and some thinning of pine trees is proposed on lots 18-21. The project has been designed to avoid the removal of oak woodland resources. The forester's recommendations have been incorporated into conditions of approval.
- EVIDENCE:** Forest Management Plan prepared by Hugh Smith on file in Planning Department file SB92001 and EIR 94-04.
22. **FINDING:** The proposed project is consistent with policies 2.8.3.A.1. and 2.8.3.B.3 of the North County LUP regarding Geologic and Flood Hazards. The site is located in a Low Seismic hazard area but is located in an area subject to hazards due to land slides and liquefaction. A geologic report has been prepared for the project which identifies design standards to mitigate such hazards. Reports have been prepared for the site by Norbert Larsen (1985), Steven Raas (1989), M. Jacobs and Associates (1991), Norbert Larsen 1991 and 1994; Steven Raas (1996) consistent with "Guidelines for Geologic/Seismic Reports" of the California Divisions of Mines and Geology. Conditions of approval require that development be carried in accordance with the conclusions and recommendations of these reports.
- The project has been designed to avoid flood hazard areas located outside the area of development
- EVIDENCE:** Appendix 2a, Resource Maps, of the Monterey County North County Land Use Plan.
- EVIDENCE:** Geologic Report prepared for the project by Norbert Larsen (1985), Steven Raas (1989), M. Jacobs and Associates (1991), Norbert Larsen 1991 and 1994; Steven Raas (1996)
23. **FINDING:** The proposed dwelling will not create a significant visual impact as viewed from a public viewing area. The proposed project will be consistent with LUP Policy 2.2.2.3-5 and CIP section 20.144.030.B.1-5. Policies and standards require that 1) development be sited and designed to allow maximum use of existing topography and vegetation to screen development, 2) disturbed areas be graded and landscaped to blend with natural topography and undisturbed native landscape, and 3) that scenic easements be used to protect undeveloped areas from future encroachment and 4) on site utilities be placed underground.

EVIDENCE: The proposed project will avoid hazardous areas (steep slopes and flood prone areas), and has been designed to preserve existing stands of oak woodland and planted pine trees which exist on the site. Access Roads conform to natural topography of the site. Scenic Easements are required by conditions of approval over all areas outside building envelopes, with the exception of areas to remain in agricultural production. Conditions 107 - 114 require that plans for subdivision improvements and for each lot in the subdivision be accompanied by a landscape plan which provides long term mitigation of the effect of development as seen from Hall Rd. Landscaping to soften the appearance of structures and adjustment of building envelopes where possible is required in order to lower the appearance of structures seen from the Johnson Rd area. Visibility will not create an unsightly appearance and will be reduced with the use of colors that blend with the natural landscape of the site.

24. **FINDING:** The Board of Supervisors has reviewed the North County Coastal LCP regarding visual resources and has determined that Title 20 (Zoning Ordinance) section 20.06.197 is interpreted such that the project, including views from Johnson Rd., Live Oak Rd and McGinnis Rd. will not result in ridgeline development. Conditions 107 - 114 will ensure that landscaping and site improvements be designed to mitigate the appearance of structures seen from the Johnson Rd area.

The project site is not located in the public viewshed as defined in Section 20.144.020.SSS of the North County Coastal Implementation Plan.

With respect to other areas of the subdivision, the proposed subdivision incorporates lot configurations which:

- a. provide the highest potential for each building site to be screened by existing topography as seen from Hall Rd.,
- b. building sites and new access road locations allow natural screening by existing topography and vegetation, minimize grading and tree removal, and allow development on slopes of less than 25% slopes consistent with CIP standard 20.144.030.B.1.a.-c.
- c. clusters development so as to maintain visual quality seen from Hall Rd. and meet other resource protection policies of the LCP.

EVIDENCE: The on-site investigation by the project planner, pursuant to Chapter 20.144.030.A of the Monterey County Coastal Implementation Plan.

25. **FINDING:** There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage 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: Ordinance #3496 of the County of Monterey adds Chapter 18.51 to the Monterey County Code to establish a Water Impact Fee for development in the North Monterey County Area to assist in financing a study and management plans relating to the safe yield of the North Monterey County aquifers.

26. **FINDING** The proposed project is consistent with North County LUP policies 2.5.2.1 (minimize erosion into the Elkhorn Slough watershed); 2.5.2.5 and CIP section 20.144.070.E.13 (rural density consistent with septic system capability); 2.5.3.B.3. (2.5 acres per unit maximum density for septic systems); 2.5.3.2 and CIP section 20.144.070.E.11 (groundwater use limited to maintain safe yield); 2.5.3.4 (water conservation required)

EVIDENCE: Conditions 3-11 require the preparation of a detailed erosion control plan to eliminate the potential for erosion into the Elkhorn Slough watershed via Carreros Creek. Conditions 12-16 require that the project develop and utilize required water conservation measures in the design of improvements within the subdivision. These conditions also require that drainage improvements for the developed portion of the property operate to eliminate oil and grease from drainage which will flow from the detention/retention pond into the Carreros Creek and ultimately the Elkhorn Slough.

EVIDENCE: Conditions 51 - 58 require the applicant to connect to the California Water Service Co. This will enable more effective monitoring and management of conservation measures to reduce the effect of the project on the supply of groundwater. In addition, the proposed project will retire 20 acres of land from strawberry production and farmland on the site will be limited to not more than 55 acres. This land will be placed in permanent open space via a scenic easement deed and the B-6 overlay district will be applied to the property to prohibit future subdivision. This will result in a positive water balance, i.e. a reduction in present use of 31 - 53.5 acre feet per year.

27. **FINDING:** The proposed project, as conditioned, will be consistent with LUP policy 3.1.2.6 (sufficient road capacity) and CIP policy 20.144.120.B.2 (elimination of traffic hazards prior to development)

EVIDENCE: Condition 85 requires the subdivider to pay a proportionate share of the cost of improvements to roads and intersections to be affected by the proposed subdivision. The applicant is also required to improve the internal access road and the Johnson Rd/Hall Rd. intersection to allow safe movement of vehicles within the project and onto Hall Rd.

EVIDENCE: Traffic Analysis for the Triple M Ranch Subdivision (Higgins, July 1996) on file in Planning and Building Inspection file 94-04 and referenced in the Final EIR and as appendix F-1.

28. **FINDING:** The proposed project is consistent with LUP policies 2.6.2 and 2.6.3.1a-c which requires the application of rural residential density, as is the case with the subject proposal, to areas of mixed residential and agricultural uses and areas suitable for very low density residential use and characterized by topographical and soil conditions generally posing greater erosion, water quality, and public safety hazards when under cultivation. The proposed project is also consistent with LUP policy 2.6.3.4 which allows development of Rural Residential lands for agricultural - related facilities and very low density residential use, located to conserve lands suitable for cultivation

EVIDENCE: The proposed site is not designated for Agricultural Preservation or Agricultural Conservation. The subject site is planned and zoned for rural density residential land use consistent with the above referenced sections. The project as designed and conditioned clusters residential land use to provide the maximum feasible area for the continuation of farming operations consistent with constraints provided by other LCP provisions. The proposed project is consistent with CIP section 20.142.070.

EVIDENCE: Information contained in file SB92001 and EIR 94-04

29. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Final EIR and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The design of the subdivision and conditions of approval requiring the imposition of scenic easements and restrictions on the use of property will avoid adverse impacts on resources referenced in the FEIR. The proposed project clusters residential development as the principal means of avoiding such impacts.

30. **FINDING:** The remainder parcel as referenced on this tentative parcel map is consistent with the North County Land Use Plan or the Coastal Implementation Plan. Further, the remainder parcel conforms to Chapter 1, Section 19.01.080 (a) and (b) of Title 19 (Subdivision Ordinance) and conditions imposed for the remainder parcel are hereby found to ensure the public health and safety and are a necessary prerequisite for the orderly development of the surrounding area.

EVIDENCE: Condition 125 requires that the entire parcel to be subdivided be rezoned to the B-6 overlay district and portions of the remainder parcel to be maintained in a scenic and conservation easement of which not more than 55 acres may be farmed.

31. **FINDING:** In approving the Triple M Ranch Tentative Subdivision Map, the Board of Supervisors has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: In accordance with condition 117, the applicant will be required to comply with the Inclusionary Housing Ordinance.

DECISION

THEREFORE, it is the decision of the Board of Supervisors that said application be granted as shown on the attached sketch in exhibit A 1 - 3, subject to the following conditions:

1. This Combined Development Permit consisting of a Tentative Subdivision Map and Coastal Development Permit allows the subdivision of 195 acres into 31 lots for the development of a single family home, septic system and accessory structures on each lot within a building envelope and a 107.5 acre remainder parcel of which not more than 55 acres may be farmed with crops, vineyards, or orchards, in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in 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. (Planning and Building Inspection)
2. The applicant shall comply with the recreation requirements contained in Section 19.12.010 of the Subdivision Ordinance, Title 19, Monterey County Code. (Parks Department & Mitigation 2.10.10.)

FLOODPLAIN/DRAINAGE/EROSION CONTROL

3. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency & Mitigation 2.4.4.)
4. Areas subject to inundation by the 100-year flood, as shown on federal Flood Boundary Maps by Federal Emergency Management Agency (FEMA), shall be delineated on the Final Map. Development of homes and roadways shall conform to County regulations and FEMA standards for development in or near a floodplain. All dwelling units shall be located outside the 100-year flood zone. Areas of the site within the 100-year flood hazard zone shall be placed in a floodplain easement. (Water Resources Agency & Mitigation 2.4.4.)
5. Prior to the issuance of a grading permit for excavation, building site grading, road construction and other improvements, an erosion control and drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. The plan shall incorporate the recommendations for drainage and erosion control contained in the geotechnical report prepared by M. Jacobs & Assoc. (Oct. 1991) and the preliminary erosion control plan prepared by Coats Consultants. The erosion control plan shall be consistent with the policies of the North County Coastal Land Use Plan and with the County's Erosion Control Ordinance. The plan shall include, but not be limited to, the following measures:

- a. Erosion control measures shall be in place before October 15 and shall be maintained through April 15.
 - b. A ground cover/erosion control seed mix should be developed which will be spread over disturbed areas. Said mix shall exclude any invasive or exotic plants subject to the approval of Monterey County and the Natural Resource Conservation Service. Specific methods of ensuring the health of the cover (i.e. irrigation, fertilization, mulching, monitoring, etc.) shall also be developed and implemented.
 - c. Demonstrate that deposition of spoils and further erosion in the Riparian Woodland and Foothill Woodland areas is minimized to the maximum extent feasible. The applicant shall remove all foreign refuse from that portion of Carneros Creek located on the project site prior to issuance of building permits. (Planning and Building Inspection & Mitigation 2.11.2.)
 - d. Where proposed lots contain land in both Critical and Non-Critical Erosion categories, all new development including roads shall be sited on Non-Critical Erosion Lands where feasible. This includes all land with slopes of 25% or less and with a "K" factor of .40 or less. (LUP Policy 2.5.3.(C)3a; Water Resources Agency, Planning and Building Inspection & Mitigation 2.3.1., 2.3.2., 2.7.3.)
 - e. The Erosion Control Plan for the subdivision shall incorporate any recommendations of the Natural Resource Conservation Service and the Resource Conservation District subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
 - f. The Erosion Control Plan shall provide measures that will allow the agricultural operation and the approved development to have a zero or negative increase in land disturbance. (Planning and Building Inspection)
 - g. The erosion control plan shall incorporate best management practices for the agricultural uses on the site within the remainder parcel.
6. A note be placed on the final map which states: "All development on the parcels shall have a drainage and erosion control plan prepared by a registered civil engineer to address on-site and off-site impacts". (Planning and Building Inspection)
 7. The subdivider shall record a deed restriction stating that 1) a Land Disturbance Project Evaluation Sheet has been prepared for the project and is contained in Planning and Building Inspection Department file SB92001; 2) the amount of land disturbance prior to the subdivision is 56 acres; and 3) that should the total land disturbance exceed 56 acres within the subdivision, including the remainder parcel, property owner agrees to make a one-time financial contribution to the County at a rate of \$500 per each acre of land disturbance over 56 acres caused by the project. Amount of land disturbance shall be as calculated according to the Land Disturbance Target Evaluation required as per Section 20.144.070 B. The required contribution shall be paid upon the County's request at such time that the Board of Supervisors implements a Watershed Restoration Program for the affected sub watershed. (Planning and Building Inspection and Mitigation 2.3.1., 2.3.2., 2.7.3.)

8. A stormwater retention only facility(i.e., a pond) shall be constructed in accordance with plans prepared by a registered civil engineer. Pond location shall be shown on the tentative map, and ponds shall be fenced for public safety. The applicant shall prepare a detailed storm drainage plan. The plan shall illustrate how storm water from individual lots and internal streets will be conveyed to the storm water detention pond and shall provide details on the design and long term maintenance of the pond. The plan shall also include, but not be limited to, the following elements:
- a. Oil and grease traps shall be incorporated into the design of the pond.
 - b. The plan shall schedule pond maintenance in late summer or early fall to avoid potential impacts to breeding amphibians or birds. That plan shall be subject to review and approval of the Director of the Planning & Building Inspection Dept. and County Water Resources Agency prior to recordation of a final map.
 - c. Drainage culverts shall be installed, if deemed necessary by the Director of Public Works and the Water Resources Agency, where the swale traversing through the site is crossed by access roads between lots 13 and 27, 10 and 15, and at the extreme northeast corner of the property where the entry road branches west from Johnson Road.
 - d. No material, such as project generated overburden or future erosion products, shall be allowed to enter the swale. (Water Resources Agency, Public Works & Mitigation 2.4.1., 2.4.2., 2.7.3.)
 - e. A runoff retention pond or other facility or measure shall be designed in accordance with NRCS standards to eliminate erosion and sedimentation from agricultural uses on the site and these measures shall be incorporated into the erosion control plan prepared for the site.
9. Certification that the stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by the registered civil engineer or licensed contractor that constructed the facility. (Water Resources Agency)
10. A homeowners association shall be formed for the maintenance of roads, drainage facilities, and open spaces. Documents for formation of association shall be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency, prior to filing of final map. C.C. & R.'s shall include provisions for a yearly report by a registered civil engineer, and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. (Water Resources Agency)
11. If the homeowners' association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the

appropriateness of the cost. An agreement to this effect shall be entered into concurrent with the filing of the final map of the first phase of the subdivision. (Water Resources Agency)

WATER USE

12. That the applicant pay the appropriate financial contribution in accordance with Ordinance 3496, adopted by the Board of Supervisors to implement an area-wide hydrological study to address ground water overdraft and water resources in the project area. The fees shall be paid prior to the filing of the final map. (Planning and Building Inspection)
13. In accordance with Monterey County Water Resources Agency Water Conservation Ordinance No. 3539, or as subsequently amended, the C.C. & R.'s shall contain provisions that all new construction incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; the front yards of all homes shall be landscaped at the time of construction; low water use or drought tolerant plants shall be used together with water efficient irrigation systems (this shall be the responsibility of the developer if the developer is also the builder. A notice shall be recorded on the deed for each lot to inform future builders of the requirement); leak repair is the property owner's responsibility; vehicle and building washing shall use hoses equipped with shut off nozzles; no potable water to be used for sidewalk washing; no water spillage into street, curbs, and gutters, no emptying or refilling or swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain. (Water Resources Agency & Mitigation 2.5.2.)
14. A landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. (Water Resources Agency; Planning and Building Inspection & Mitigation 2.5.2).
15. The net water use on the property shall decrease through the retirement of approximately 20 acres of agricultural production. Crop and orchard farming activities shall be restricted to no more than 55 acres. The remainder shall be converted to non irrigated open space use. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require a water balance analysis and implementation of mitigation measures by the applicant to the satisfaction of the General Manager of Water Resources Agency (Water Resources Agency & Mitigation 2.5.2. & 2.10.2)
16. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. (Health Dept; Water Resources Agency & Mitigation 2.5.3)

NORTH COUNTY FIRE PROTECTION DISTRICT

17. Prior to the issuance of a Building Permit, the applicant shall pay fees required by the North County Fire Ordinance in effect at the time permits are issued. (Fire District & Mitigation 2.10.7.)

18. FIRE ACCESS ROADS: Fire access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. (Fire District)
19. ROADWAY SURFACE: The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with location ordinances, and be capable of supporting the imposed load of fire apparatus. (Fire District)
20. GRADE FOR ROADS: The grade for all roads streets, private lanes and driveways shall not exceed 15 percent. (Fire District)
21. DRIVEWAY TURNS: For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. (Fire District)
22. LENGTH OF CURVES: 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. (Fire District)
23. ROADWAY TURNAROUND: Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Fire District)
24. ROADWAY TURNOUTS: Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. (Fire District)
25. BRIDGE DESIGN: All new and reconstructed bridges shall be at least the width of the existing roadbed and berms but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS 20-44 loading (standard specification for highway bridges) and have guard rails. (Fire District)
26. BRIDGE SIGNING: Appropriate signing, including but not limited to, weight or vertical clearance limitations, and one-way road or single lane road conditions, shall be provided at both entrances to any bridge. (Fire District)
27. DEAD END ROADS LENGTH: The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcels designated in the Area or Implementation Plan for 0 - 99 acres: 800 feet.
Parcels designated in the Area or Implementation Plan of 1 to 4.99 acres: 1320 feet.
Parcels designated in the Area or Implementation Plan of 4 to 19.99 acres: 2640
Parcels designated in the Area or Implementation Plan zoned for 20 acres or larger:

5280 feet. (Fire District)

28. **DEAD END ROAD LENGTH MEASUREMENT:** All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection where the road begins to the end of the road surface at its farthest point. Where a dead end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. (Fire District)
29. **DRIVEWAY LENGTH AND WIDTH:** Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the mid-point of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. (Fire District)
30. **GATE ENTRANCES WIDTH:** Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. (Fire District)
31. **GATE ENTRANCE LOCATIONS:** All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall be open to allow a vehicle to stop without obstructing traffic on that road. (Fire District)
32. **GATE ENTRANCES LOCKED:** Where gates are to be locked, the Reviewing Authority with jurisdiction may require installation of a key box or other acceptable means for immediate access by emergency equipment. (Fire District)
33. **VERTICAL CLEARANCES:** Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Fire District)
34. **SIGNS SIZE OF NUMBER:** 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 clearly contrasts with the background color of the sign. All numerals shall be Arabic. (Fire District)
35. **SIGNS VISIBILITY:** Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. (Fire District)
36. **SIGNS HEIGHT:** Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this chapter. (Fire District)
37. **SIGNS STREET NAMES:** Newly constructed or approved public and private roads and streets shall be identified in accordance with provisions of Monterey County Ordinance No. 1241. All signs shall be mounted and oriented in a uniform manner. 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. (Fire District)
38. **SIGNS INTERSECTING ROADS:** 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. (Fire District)

39. **SIGNS INSTALLATION:** Road, street and private signs required by this article shall be installed prior to final acceptance of road improvements by the County of Monterey. (Fire District)
40. **ADDRESS FOR BUILDING:** All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (Fire District)
41. **SIGNS SIZE OF NUMBERS & SYMBOLS:** Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (Fire District & Mitigation 2.10.5.)
42. **SIGNS PERMANENT POSTED ADDRESSES:** All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. (Fire District)
43. **SIGNS MULTIPLE ADDRESSES:** Where multiple addresses are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. (Fire District)
44. **EMERGENCY WATER APPLICABLE:** The provisions of this section 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. Emergency roadway access plans and water system plans must be submitted to the North County Fire Protection District for approval prior to issuance of grading permits. Construction of access roadways and water systems for fire protection purposes must be completed prior to building with combustible materials. (Fire District & Mitigation 2.10.8)
45. **EMERGENCY WATER TIMING:** Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. (Fire District)
46. **HYDRANT LOCATION:** The hydrant or fire valve shall be 18 inches above ground, 8 feet from flammable vegetation, no closer than 2 feet nor further than 5 feet from a roadway, and in locations where fire apparatus using it will not block the roadway. (Fire District)
47. **HYDRANT ALTERNATIVE SIGNS:** Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Fire District)
48. **SETBACK 30 FT:** All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. (Fire District)

50. ROAD WIDTH ALTERNATIVE: Fire apparatus access roads shall have an unobstructed width or not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. (Fire District)

WATER SERVICE

51. The applicant shall provide evidence that the property will be served by California Water Service Company subject to the review and approval of the Director of Environmental Health and the Monterey County Water Resources Agency. This evidence shall be provided, and all necessary agreements executed, prior to filing the Final Map. (Environmental Health & Mitigation 2.10.1.)
52. The developer and/or utility shall obtain approval from the Public Utilities Commission for additional service prior to filing development plans. Evidence of this approval shall be submitted to and approved by the Division of Environmental Health and/or State Department of Health Services. (Environmental Health)
53. Design the water system improvements to meet the standards as found in Title 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Provide evidence that engineered plans for the water system improvements have been reviewed and approved by California Water Service Company to the Director of Environmental Health prior to installing (or bonding) the improvements. (Environmental Health)
54. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation (or bonding) and filing of the final map. (Environmental Health)
55. The developer shall install or bond the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. The water improvements shall only be installed or bonded after the engineered designs have been approved per the above two conditions. (Environmental Health)
56. The owner shall destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74-90, and Chapter 15.08 Monterey County Code. Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a licensed well contractor from the Division of Environmental Health. The well shall not be considered abandoned if satisfactory evidence is provided that the well(s) are functional, are used on a regular basis, and does not act as a conduit for contamination of groundwater. (Environmental Health)
57. Submit a draft final map indicating the proposed well lot(s), water distribution, and access easements for the water system to the Director of Environmental Health for review and approval prior to filing the final map. (Environmental Health)
58. Water system improvements shall incorporate appropriate backflow designs as per Title 17 of the California Code of Regulations subject to the review and approval of the Director of Environmental Health. (Environmental Health)

SEPTIC SYSTEMS

59. Submit plans for surface and sub-surface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. (Environmental Health)
60. All building envelopes and leach line areas shall be located outside areas in excess of 25% slope. The applicant shall submit a draft Final Map indicating building sites and septic system envelopes outside of areas in excess of 25% slope for lots 8-12. Septic envelopes shall be adequate to prevent intrusion of nitrates or other pollutants into Carneros Creek or its tributaries. (Environmental Health)
61. Prior to filing the final map, applicant shall submit an updated map indicating proposed septic envelopes for all the lots to the Division of Environmental Health for review and approval. Once approved the septic envelopes shall appear as part of the final map. (Environmental Health & Mitigation 2.2.2. & 2.7.3.)
62. Provide payment of additional project review fees to the "Monterey County Health Department" as required per Chapter 14 MCC or previously applicable fee schedules. A bill will be prepared for the amount due. (Environmental Health)

ROADS AND UTILITIES - FINAL MAP

63. The subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company, Pacific Bell Company, and Water Company. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. (Public Works Dept.)
64. All material necessary to present the subdivision to the Board of Supervisors shall be submitted in final form to the County Surveyor one month prior to the presentation. (Public Works Dept.)
65. The initial submission of the improvement plans for checking shall be in complete form and accompanied by all required reports. The initial submission of the final map shall be in complete form and accompanied by the traverse sheets and map checking fee. (Public Works Dept.)
66. All natural drainage channels shall be designed on the final map by easements labeled "Natural Drainage Easements." (Public Works Dept.)
67. A drainage report shall be submitted for approval of the Public Works Director and the Monterey County Water Resources Agency. (Public Works Dept.)
68. Where cuts or fills at property line exceed 5' driveways shall be rough graded in when streets are rough graded, and positive drainage and erosion control provided. (Public Works Dept.)

- 69 Adequate sight distance shall be provided at driveway egress on to private or public streets. (Public Works Dept.)
70. All graded areas of the street right-of-way shall be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following:
- a. Cut and fill slopes shall be stabilized.
 - b. Specific method of treatment and type of planting, by area for each soil type and slope required to satisfy Item a.
 - c. Type and amount of maintenance required to satisfy item a. (Public Works Dept. & Mitigation 2.7.3)
71. Cut and fill slopes shall 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 to include replacement of topsoil. (Public Works Dept., Planning and Building Inspection)
72. Street cross sections at 50-foot intervals shall be submitted to the County Surveyor with the improvement plans. Slope easements may be required. (Public Works Dept.)
73. Utility services shall be located within the area of rough graded driveways to eliminate trenching through cut slopes where possible. (Public Works Dept.)
74. The roads be designated on the final map as follows: "Private Roads." (Public Works Dept.)
75. A sign shall be placed at the subdivision entrances indicating that all roads are private. (Public Works Dept.)
76. The title block on the final map shall indicate that this is a private road subdivision. (Public Works Dept.)
77. The main subdivision access road shall be constructed as a tertiary sidehill street with a turnaround at the end acceptable for emergency equipment. (Public Works Dept.)
- 78.
- a. The cul-de-sac and right-of-way serving lots 28, 29, 30, and 31 shall be improved to a width of 20' plus drainage control including a turnaround adequate for emergency equipment.
 - b. The roadway spur leading to the emergency access road and the remainder of the cul-de-sac to the south shall be widened to provide a minimum surfaced roadbed width of 23 feet. (Public Works Dept. & Mitigation 2.9.4.)
 - c. The common easement of access to lots 25-27 shall be at least 30' in width.

79. Applicant shall install and maintain a stop sign on the main access road at Johnson Road. (Public Works Dept.)
80. Street names shall be approved by the County. (Public Works Dept.)
81. All private driveways shall be paved to a minimum width of 12' plus drainage control including a turnaround adequate for emergency vehicles. (Public Works Dept.)
82. If required by the Director of Public Works, applicant shall provide improvement plans and improve Johnson Road from the project entrance to Hall Road to County standards. Width shall be 24' plus 4' wide shoulders at a minimum. (Public Works Dept.)
83. If required by the Director of Public Works, applicant shall install an additional 120-foot long taper approach lane on Johnson Road at Hall Road. (Public Works Dept. & Mitigation 2.9.7:)
84. Provide all weather pedestrian pathways on internal streets. (Public Works Dept.)
85. Prior to filing a final map for the subject project applicant shall pay a fee of \$70,000.20 for the widening of the Johnson Rd bridge. In addition, applicant shall record a notice with the Final Map that a traffic mitigation fee of \$2,878.76 per unit shall be paid prior to the issuance a building permit for each primary residence within the subdivision for improvements to Johnson Rd.

(Public Works Dept. & Mitigation 2.9.1, 2.9.2, 2.9.5., 2.9.6, 2.9.8, 2.9.9)
86. The secondary access road shall be improved to provide a 20 foot wide all-weather road for emergency access conforming to the North Monterey County Fire Department regulations. The roadway shall be paved on all grades steeper than 8%.. This modification shall be incorporated into the final map for the project and shall be subject to the review and approval of the Public Works Director. (Public Works Dept. & Mitigation 2.9.3.)
87. Should the primary access recently approved for the adjacent Van Sergae Subdivision be utilized as a secondary access for the project, it shall be graded and surfaced to the height of the existing bridge.. This access shall be installed prior to construction of the first single-family dwelling, and the applicant shall provide evidence of his legal ability to utilize said access. (Public Works Dept. & Mitigation 2.9.3.)

SEISMIC SAFETY REQUIREMENTS

88. Project improvements shall be constructed consistent with the earthquake regulations contained in the latest adopted Uniform Building Code. Structures shall be constructed to withstand the maximum credible earthquake anticipated to affect the project site. (Planning and Building Inspection & Mitigation 2.2.1.)
89. Grading and building plans shall be reviewed and approved by the Building Department to ensure that recommended Grading Specifications, as provided by M. Jacobs & Associates, in Appendix B-3 of the Final EIR, are adhered to during design and construction in order to reduce the danger to

life and property.(Planning and Building Inspection & Mitigation 2.2.3.)

90. Foundations, septic systems and access to individual dwellings shall be designed to minimize soil disturbance. Building plans will be reviewed by the Planning and Building Inspection Department to ensure conformance with this mitigation measure prior to issuance of a building or grading permit.(Planning and Building Inspection & Mitigation 2.2.4.)
91. Improvement plans for project roadways shall be designed to incorporate the recommendations contained in Appendix B-2, Geotechnical Investigation.(Planning and Building Inspection & Mitigation 2.2.5)

WATER & AIR QUALITY

92. The applicant shall obtain a National Pollution Discharge Elimination Systems Program (NPDES) General Construction Permit, required under the Federal Clean Water Act, from the Regional Water Quality Control Board prior to issuance of a building permit. (Water Resources Agency, Planning and Building Inspection & Mitigation 2.4.3.)
93. Subdivision Improvement Plans shall incorporate the following dust suppression measures:
 - a) Unpaved construction areas with vehicular traffic shall be sprinkled with water at least twice per day.
 - b) Trucks hauling cut or fill dirt shall be covered with tarpaulins or other effective covers throughout the period of construction.
 - c) Streets serving the construction sites shall be swept at least once per day during the period of construction activities.
 - d) Paving and landscaping shall be completed as soon as possible. (Planning and Building Inspection & Mitigation Measure 2.6.1).

FOREST RESOURCES AND SENSITIVE HABITATS

Scenic Easements - Building Envelopes

94. The applicant shall record a notice and place a note on the final map or a separate sheet to be recorded with the final map which states: "No grading, structures, roads, trails (except as in accordance with the recorded subdivision map), animal grazing, vegetation removal (except in accordance with a County approved restoration plan), or other activities may take place outside of the building envelopes for the Triple M Ranch subdivision". Prior to the issuance of Grading or Building Permits, a Scenic and Conservation Easement Deed shall be recorded over the areas outside building envelopes. Said conservation and scenic easement deed shall:
 - a. Prohibit any activity on lots 14-31 to remove individual trees or significantly affect the viability of individual species oak woodland resources or habitat except pursuant to an approved Tree Removal Permit and Forest Management Plan. The installation of irrigation systems and landscaping which limits or interrupts the propagation of oak woodland habitat or which requires dry season irrigation within areas defined as Foothill Woodland by the Certified Final EIR and Technical Appendices shall be prohibited.

- b. Prohibit agricultural uses on lots 1-30 and within all but 55 designated acres of the remainder parcel including: 1) land clearance, disking, plowing, leveling, scraping, or other similar land disturbance to accommodate the planting of any crop; 2) the keeping of horses or other stock animals; and 3) the construction of any stables, corrals or pens for the keeping such animals.
- c. Provide for the protection, by avoidance, of Maritime Chaparral Habitat along the access road leading to lots 22-25. Prohibit development within or adjacent to Maritime Chaparral habitat on lots 22 through 25 and 28, as shown on Figure 11, Biotic Resources Map, and referenced in appendix E, of the Final EIR.
- d. Prohibit Development on slopes of 25% or greater and in areas containing Maritime Chaparral Habitat.
- e. Prohibit the construction of structures or other improvements requiring land disturbance, except:
 - 1) those improvements referenced in subdivision improvement plans submitted to and approved by the Director of Public Works and the Director of Planning and Building Inspection and other systems designed to eliminate an immediate hazard or eliminate erosion and sedimentation in accordance with an approved Grading Permit and Erosion Control Plan;
 - 2) the development of open space uses designed to serve the subdivision only within the 52 acre non irrigated open space areas of the remainder parcel, subject to the issuance of a Coastal Development Permit when required by the LCP; and
 - 3) the development of driveways and the installation of utilities to serve the subdivision and individual lots in accordance with subdivision improvement plans reviewed and approved by the Director of Planning and Building Inspection.

95. Building envelopes shown on the approved Tentative Map shall be recorded on the Final Map, except that prior to approval of the Final Map revisions may be made to achieve recommendations of the erosion control soils and geotechnical report prepared and submitted with the Subdivision Improvement Plans and to ensure that building envelopes on lots 11-30 are placed in the least visually intrusive areas of each lot consistent with slope and biotic resource preservation conditions of approval. All building envelopes shall be situated so as to minimize removal of oaks or other trees indigenous to the site, not including planted pine trees. Access to lots 25-27 shall be provided within a joint easement which avoids development on 25% slopes. Said access shall be 30' in width. (Planning and Building Inspection & Mitigation 2.7.1.; 2.7.2.; 2.11.1b., 2.11.1c., 2.11.1d. & 2.11.1e)

Forest (Woodland) Resources

96. Prior to issuance of a grading permit, applicant shall submit grading plans for the subdivision and for each lot showing that no grading or soil disturbance within 10' of the dripline of any oak tree. At least 50% of oak tree root systems will be preserved during site grading or excavation. Notes on the grading plan shall prohibit placement of excavated soil shall not be piled under these trees'

driplines. If necessary, fencing, padding, or insulating the soil surface from damage by heavy equipment shall be employed. Where erosion is a potential hazard, in particular on lots 14 - 30, grading or excavating shall only be conducted where such activity will not, in the future, compromise coast live oak root systems. Retaining walls and or other immediate erosion control measures shall be implemented where necessary to achieve the intent of this condition. (Planning and Building Inspection & Mitigation 2.7.1. Mitigation 2.7.5.)

97. Prior to issuance of a grading permit for the subdivision and for these lots, grading plans shall demonstrate that all necessary measures determined by a qualified forester have been incorporated to ensure that specimen trees on lots 11 and 16 are preserved during and after construction. (Planning and Building Inspection)

Prior to approval of the Final Map, applicant shall submit to the Director of Planning & Building Inspection for review and approval deed restrictions prohibiting any activity which may damage or destroy these trees directly or indirectly. A report from a qualified individual shall be submitted which outlines the manner in which such trees shall be preserved. This report shall be referenced in the recorded restrictions referenced herein. Said restrictions shall be recorded with the Final Map. (Planning and Building Inspection & Mitigation 2.7.1.)

98. Oaks of six inches or greater in diameter shall be preserved by modifying road locations and building pad locations. Any coast live oaks which are removed or significantly impacted shall be replaced with the stock provided from the local coast live oak population. Transplanting shall occur in areas which will remain undisturbed and which are dominated by coast live oaks at the perimeters of such areas. When brush or grass clearing is necessary, seedling oak trees shall be left in place to diversify the age of the forest population. Tree Removal Permit shall be obtained for the removal of trees in accordance with the Monterey County LCP. (Planning and Building Inspection & Mitigation 2.7.1.)
99. The existing stands of trees on lots 18 through 21 and lots 1 through 8 shall be preserved to the maximum extent feasible. In addition, all oak trees with a diameter of 6 inches or greater should be preserved through sensitive site design. Final building plans should be reviewed by the Planning Director prior to issuance of building permits to ensure conformance with this mitigation. (Planning and Building Inspection & Mitigation 2.11.1b.)
100. Forest resources shall be managed in accordance with the recommendations of the Forest Management Plan (Smith 1989) Trees which are carrying pitch cancer disease shall be removed and properly disposed of *per the latest guidelines from the Pine Pitch Canker Task Force*. (Planning and Building Inspection & Mitigation 2.7.5)
101. If constructed as part of this project, willow trees damaged or removed during construction of the Johnson Road bridge shall be replaced on 1:1 ratio with willow cuttings, approximately 4-feet long and ½ inch in diameter. Coast live oaks damaged or removed during construction shall be replaced with seedlings germinated from local oaks at a 1:1 ratio. Willow cuttings and oak seedlings shall be planted within 5 meters east or west of the construction footprint after construction is completed. The growth of planted willow cuttings and oak seedlings shall be monitored by a registered biologist following planting to ensure their survival. Any cuttings or seedlings that fail to survive shall be replaced. (Planning and Building Inspection & Mitigation 2.7.6.)

Maritime Chaparral

102. The proposed access road leading to lots 23 through 25 shall be aligned to avoid Pajaro manzanita (*Arctostaphylos pajaronensis*), Monterey ceanothus (*Ceanothus cuneatus* var. *rigidus*), Hooker's manzanita (*Arctostaphylos hookeri*). On proposed lot 22 a single Pajaro manzanita, if removed, shall be replaced with two specimens of the local genetic stock. On proposed lots 24 and 25 single specimens of Monterey ceanothus, if removed, shall be replaced on a two for one basis using local genetic stock. Road alignment, location of structures, selection of plant stock for replanting, if necessary shall be carried out under the guidance and direction of a qualified botanist. Evidence of review of all grading plans and building permits by a qualified botanist shall be submitted prior to the issuance of grading or building permits as deemed necessary by Director of Planning and Building Inspection. Deed restrictions for lots 22-25 shall reference the required preparation and review of such reports. (Planning and Building Inspection & Mitigation 2.7.2)
103. If feasible, the proposed entry road shall be re-routed approximately 25 meters to the south to avoid existing willow trees. Willow trees damaged or removed during construction of the proposed entry roadway shall be replaced using the same method as described in Mitigation Measure 2.7.6 above. Planning and Building Inspection & Mitigation 2.7.7.
104. Aggressively spreading exotic plants shall be controlled on the overall property, particularly milk thistle and pampas grass. Weed eradication will be conducted wherever disturbed soil has been created. This shall take the form of mulching or landscaping as a preventative measure before alien plants become established. Landscape plans for individual dwelling units shall make maximum use of native plant materials that are indigenous to the area. Non irrigated areas of the site shall be replanted and managed to promote the growth of foothill woodland, maritime chaparral, native grassland, and riparian woodland habitat. Subdivision improvement plans and the erosion control plan required herein shall detail the manner in which areas formerly farmed will be initially stabilized, planted and restored through natural succession as permanent open space in accordance with the recommendation of qualified a plant ecologist and biologist to achieve a high quality riparian and foothill woodland habitat. (Planning and Building Inspection & Mitigation 2.7.4.)

Wetlands

105. The construction of project access routes across the floodplain and within any wetland shall take place during dry, warm weather conditions in the summer to avoid affecting migration of Tiger Salamander or Red-Legged Frogs.

Prior to the issuance of any grading or building permit for the project, applicant shall conduct Red Legged Frog larval surveys consistent with the requirements of the USFWS. Should Red Legged Frogs be found as a result of the larval survey, the applicant shall consult with the USFWS to determine appropriate mitigation measures, including any restrictions on the location and timing of construction of roadways and related improvements.

Under wet weather conditions during other seasons applicant shall obtain any necessary approvals from the CDFG and USFWS for construction of the project access. (Planning and Building Inspection & Mitigation 2.7.8)

106. Prior to the issuance of building or grading permits applicant shall record notices which state that Archeaological, Forest Management, Geotechnical, Soils, Erosion Control, Biological reports referenced in Section 4.2 of the Final EIR have been prepared and are on file in the Planning and Building Department Library. Said notices shall state the name of the preparer, the date of preparation, and that all development shall be in accordance with the report which each notice references. A separate notice shall be recorded for each such report. A note to this effect shall be placed on the final map or separate sheet in a conspicuous location subject to the approval of the County Surveyor. (Planning and Building Inspection; Public Works)

VISUAL RESOURCES - AESTHETICS

107. Prior to the issuance of a building permit, the design, exterior colors and roofing material of all structures, signs and fences, the location of all structures, roads, utilities and the location, type and size of all antennas, satellite dishes, towers, street lights, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. Designs, colors, and materials shall be subordinate to the character of the setting and compatible with the rural residential character of the area as seen from Hall Rd, Johnson Rd. McGinnis Rd. and Live Oak Rd.. All on-site utility lines shall be placed underground within or along side roadway easements subject to the approval of the Director of Public Works. (Planning and Building Inspection & Mitigation 2.11.1a - f)
108. 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 final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (Planning and Building Inspection; Public Works)
109. The subdivider shall prepare landscaping plans that mitigate any adverse effect on the scenic quality of Hall Rd due to any required alteration on Johnson Rd. and Hall Rd. bordering the project or due to the construction of internal subdivision improvements. The subdivider shall submit the plans as part of the improvement plan for the subdivision to the Director of Planning and Building Inspection and the Director of Public Works for approval. The subdivider shall bond for the landscaping in the same manner as the subdivision improvements, at the time of recordation of the final map. (Planning and Building Inspection)
110. The site shall be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of Planning and Building Inspection. Landscaping plans to be approved by the Director of Planning and Building Inspection prior to recordation of the final or parcel map or the issuance of building permits. (Planning and Building Inspection)
111. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
112. Prior to the acceptance for filing of any coastal development permit for any structure within the subdivision, a landscape plan shall be submitted which incorporates provisions for visual screening

from common public viewing areas for lots 11- 30. Buildings within designated building envelopes on lots 11 through 30 shall be placed in the least visible portions of each lot subject to recommended limitations on tree removal, installation of septic systems, avoidance of geologic hazards or unstable soils, and the preservation of forest resources and other biotic resources on the subject site. Building envelopes shall be adjusted, if necessary, prior to approval of the Final map. Landscape plans shall emphasize screening of development to the extent feasible as seen from the Johnson Rd area. (Planning and Building Inspection & Mitigation 2.11.1c., 2.11.1d. & 2.11.1e)

113. The peak elevation of the roofline on lot 23 shall not exceed elevation of 250 feet.. This shall be accomplished by adjusting the proposed building envelope or construction of a low profile single-story building.(Planning and Building Inspection & Mitigation 2.11.1g.)
114. Prior to approval of the final map, applicant shall prepare a site plan for the subdivision to be approved by the Director of Planning and Building Inspection and to be incorporated into subdivision improvement plans. The site plan shall: (1) define the building envelopes; (2) identify natural vegetation that will be retained; (3) identify landscape screening as appropriate (4) specify the possible location of any open space uses to serve the subdivision (5) identify locations where tree stands will be preserved to mitigate visual impacts indicated in the FEIR. A note shall be placed on the parcel map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions. (Planning and Building Inspection & Mitigation 2.11.1c.)

SERVICES

115. All appropriate law enforcement fees shall be paid by the applicant at the time of building permit issuance. (Sheriffs Dept. & Mitigation 2.10.3. and 2.10.4)
116. Prior to the issuance of building permits, the applicant shall pay impact fees to the Pajaro Valley Unified School District of \$1.72 per square foot. Proof of payment of said fees shall be provided to Director of Planning & Building Inspection prior to issuance of building permits. (Planning and Building Inspection & Mitigation 2.10.9.)

MISCELLANEOUS

117. Prior to filing the Final Map, applicant shall comply with the inclusionary housing ordinance currently in effect.
118. A disclosure notice shall be recorded with the deeds for Lots 17-19 that the adjacent land use to the east may produce noise, dust, odors, storage and use of hazardous substances from agricultural processing and transportation of agricultural products.(Planning and Building Inspection & Mitigation 2.12.1.)
119. a. 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 (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery.

- b. Should alteration to, or demolition of, existing structures located on lot 31 be proposed, a qualified historian shall be retained to evaluate the historical significance of the residence and barn. The evaluation shall include: a) a complete archival research of the property history; b) architectural evaluation of existing structures and c) evaluation and subsurface exploration at the partially collapsed structure identified in the archaeological report. The evaluation shall be completed prior to issuance of a grading or building permit for this lot. A note to this effect shall be placed on the final map and a deed restriction shall be recorded consistent with this condition of approval (Planning and Building Inspection Mitigation 2.13.1. & 2.13.2.).

120. The applicant shall record a notice which states: "A permit (Resolution 97-466) was approved by the Board of Supervisors for Assessor's Parcel Numbers 181-251-001 & 003 on October 28, 1997. The permit was granted subject to 124 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

121. The property owner agrees as a condition of the approval of this Combined Development Permit which includes a Coastal Development Permit and Tentative Subdivision Map, that it will pursuant to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for in Government Code Section 66499.37. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the filing of the final map, whichever occurs first. The County shall promptly notify the subdivider of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection)

122. Applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. The Plan shall include, at a minimum, the following elements:

- a. A listing of every mitigation measure approved by the decision-making body which certifies the subject environmental document;
- b. An identification of the date or other appropriate time period expected for implementation of each mitigation measure;
- c. If the date of the implementation of mitigation measure is uncertain, an estimate shall be provided;
- d. If a mitigation measure requires continuous or frequent (e.g. daily) monitoring, the frequency and duration of required monitoring shall be specified;
- e. If unclear on the faces of each measure, the standard for determining successful implementation of each measure shall be clearly identified;

- f. Individuals of organizations responsible for monitoring and/or reporting shall be clearly identified;
- g. The responsibilities under the plan for the applicant, County staff, and if necessary, consultants shall be identified; and
- h. Relevant reporting procedures and forms shall be included;
- i. Applicant agreement to pay consultant and staff to monitor long term measures beyond the final project inspection by the Planning and Building Inspection Department. (Planning and Building Inspection)

123. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$875. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection)

124. Applicant shall request in writing combining B-6 zoning classification for the entire subdivision prior to filing the final map or parcel map. (Planning and Building Inspection.)

Upon motion by Supervisor Pennycook, seconded by Johnsen, and unanimously approved, the Board moved to adopt staff recommendation without amendment to conditions 12 (water impact mitigation fee) and 85 (traffic impact mitigation fee) and to adopt recommended amendment to condition 117.

Upon motion of Supervisor Perkins, seconded by Supervisor Pennycook, with Supervisor Johnsen voting no, the Board certified the Final EIR, and approved the Combined Development Permit for Coastal Development Permit and Standard Tentative Subdivision Map to allow the subdivision of 195 acres to create 31 lots and a 107.5 acre remainder parcel.

I Ernest K. Morishita, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby Certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page - of Minute Book 69 on October 28, 1997.

Dated October 28, 1997

*Ernest K. Morishita, Clerk of the Board
of Supervisors County of Monterey,
State of California.*

By:

[Signature]
Deputy

GEOTECHNICAL ENGINEERS
 W. JACOBS & ASSOCIATES
 CONSULTING GEOTECHNICAL ENGINEERS
 8701 BLUE LANE, SUITE 100
 MONTEREY, CA. 93940

AREA SHOWN ON ROAD EXHIBIT 5

LIVE OAK ROAD

2-0

EXHIBIT NO. 4
 APPLICATION NO.
 A-3-MCO-97-81 3M
 Proposed Subdivision

- 1. Existing Roadway
- 2. Proposed Roadway
- 3. Proposed Right-of-Way
- 4. Proposed Easement
- 5. Proposed Utility
- 6. Proposed Structure
- 7. Proposed Fencing
- 8. Proposed Signage
- 9. Proposed Lighting
- 10. Proposed Landscaping
- 11. Proposed Stormwater Management
- 12. Proposed Traffic Management
- 13. Proposed Safety Features
- 14. Proposed Access Points
- 15. Proposed Pedestrian Pathways
- 16. Proposed Bicycle Pathways
- 17. Proposed Horse Pathways
- 18. Proposed Equestrian Facilities
- 19. Proposed Dog Park
- 20. Proposed Play Area
- 21. Proposed Sports Field
- 22. Proposed Community Center
- 23. Proposed Library
- 24. Proposed Post Office
- 25. Proposed Fire Station
- 26. Proposed Police Station
- 27. Proposed Court House
- 28. Proposed City Hall
- 29. Proposed City Office
- 30. Proposed City Garage
- 31. Proposed City Warehouse
- 32. Proposed City Yard
- 33. Proposed City Park
- 34. Proposed City Plaza
- 35. Proposed City Square
- 36. Proposed City Circle
- 37. Proposed City Drive
- 38. Proposed City Lane
- 39. Proposed City Court
- 40. Proposed City Street
- 41. Proposed City Avenue
- 42. Proposed City Boulevard
- 43. Proposed City Expressway
- 44. Proposed City Freeway
- 45. Proposed City Interchange
- 46. Proposed City Overpass
- 47. Proposed City Underpass
- 48. Proposed City Tunnel
- 49. Proposed City Bridge
- 50. Proposed City Viaduct
- 51. Proposed City Flyover
- 52. Proposed City Atoll
- 53. Proposed City Island
- 54. Proposed City Peninsula
- 55. Proposed City Point
- 56. Proposed City Spit
- 57. Proposed City Neck
- 58. Proposed City Isthmus
- 59. Proposed City Strait
- 60. Proposed City Gulf
- 61. Proposed City Bay
- 62. Proposed City Harbor
- 63. Proposed City Inlet
- 64. Proposed City Cove
- 65. Proposed City Anchorage
- 66. Proposed City Port
- 67. Proposed City Dock
- 68. Proposed City Wharf
- 69. Proposed City Pier
- 70. Proposed City Quay
- 71. Proposed City Basin
- 72. Proposed City Dockyard
- 73. Proposed City Shipyard
- 74. Proposed City Boatyard
- 75. Proposed City Marina
- 76. Proposed City Yacht Club
- 77. Proposed City Sailing Club
- 78. Proposed City Fishing Club
- 79. Proposed City Golf Club
- 80. Proposed City Country Club
- 81. Proposed City Country Estate
- 82. Proposed City Country House
- 83. Proposed City Country Villa
- 84. Proposed City Country Farm
- 85. Proposed City Country Estate
- 86. Proposed City Country Estate
- 87. Proposed City Country Estate
- 88. Proposed City Country Estate
- 89. Proposed City Country Estate
- 90. Proposed City Country Estate
- 91. Proposed City Country Estate
- 92. Proposed City Country Estate
- 93. Proposed City Country Estate
- 94. Proposed City Country Estate
- 95. Proposed City Country Estate
- 96. Proposed City Country Estate
- 97. Proposed City Country Estate
- 98. Proposed City Country Estate
- 99. Proposed City Country Estate
- 100. Proposed City Country Estate

EXHIBIT

TENTATIVELY

A RESUBDIVISION OF
 AS SHOWN ON RECORD
 PORTION OF SECTIONS 25 &
 AND A PORTION OF LOS
 ANGELES COUNTY, CALIFORNIA

VICINITY MAP

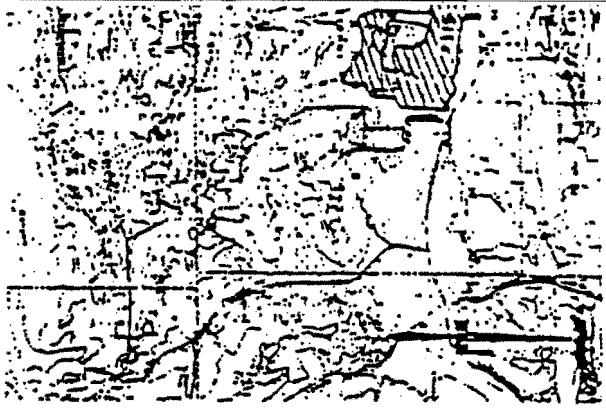
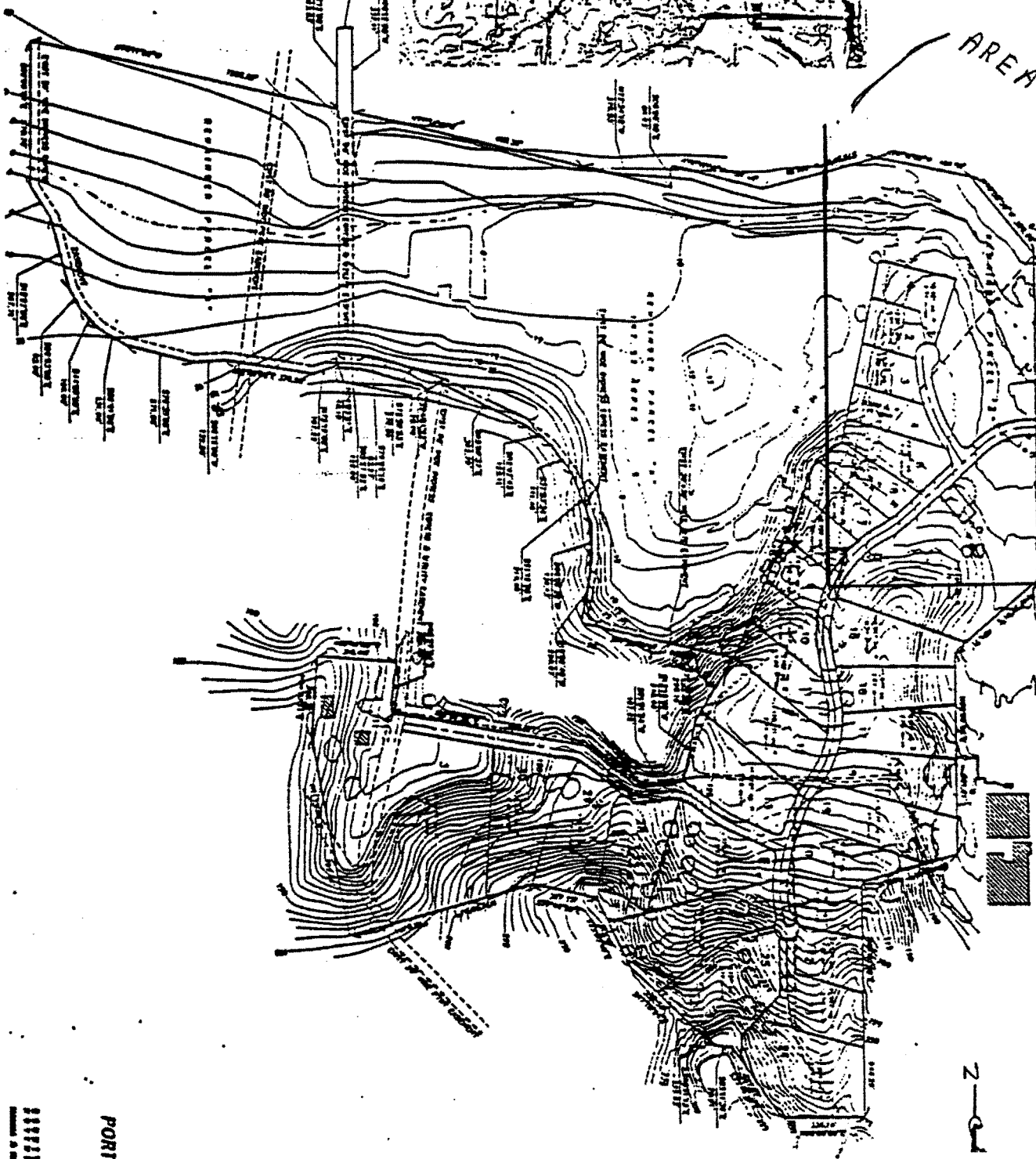









Exhibit 5

3M Ranch Project

Agricultural Lands Analysis

-  **Existing Cultivated Area**
(Mon. Co. Water Resources Agency
Orthophoto Quad, 1993)
-  **Prime Soil Boundary**
(from U.S. Soil Conservation Service)
-  **Prime Soil and Cultivated Areas Buffer (50 Ft.)**
-  **Uncultivated Prime Soil Area**
(Mon. Co. Water Resources Agency
Orthophoto Quad, 1993)
-  **Project Area
not to be Developed**
(per permit condition)
-  **Existing Parcel Boundaries**
-  **Proposed Parcel Boundaries**

NOTE:

Roads allowed within buffer.

Acreage Chart

Total Cultivated Area	11.4 ac.
Cultivated Non-Prime	2.4 ac.
Cultivated Prime	9.0 ac.
Uncultivated Prime	1.9 ac.
Total Prime Soil Area	10.9 ac.
Cultivated and Prime Soil Areas, plus 50 ft. Buffer	17.4 ac.
Area to be Removed from Development Envelope	11.0 ac.

All locations and acreages
are approximate.
For illustrative purposes only.

N

0 200
Feet



California Coastal Commission
Technical Services Division

EXHIBIT NO. 5

APPLICATION NO.

A-3-MCO-97-89 3M

Agricultural Lands

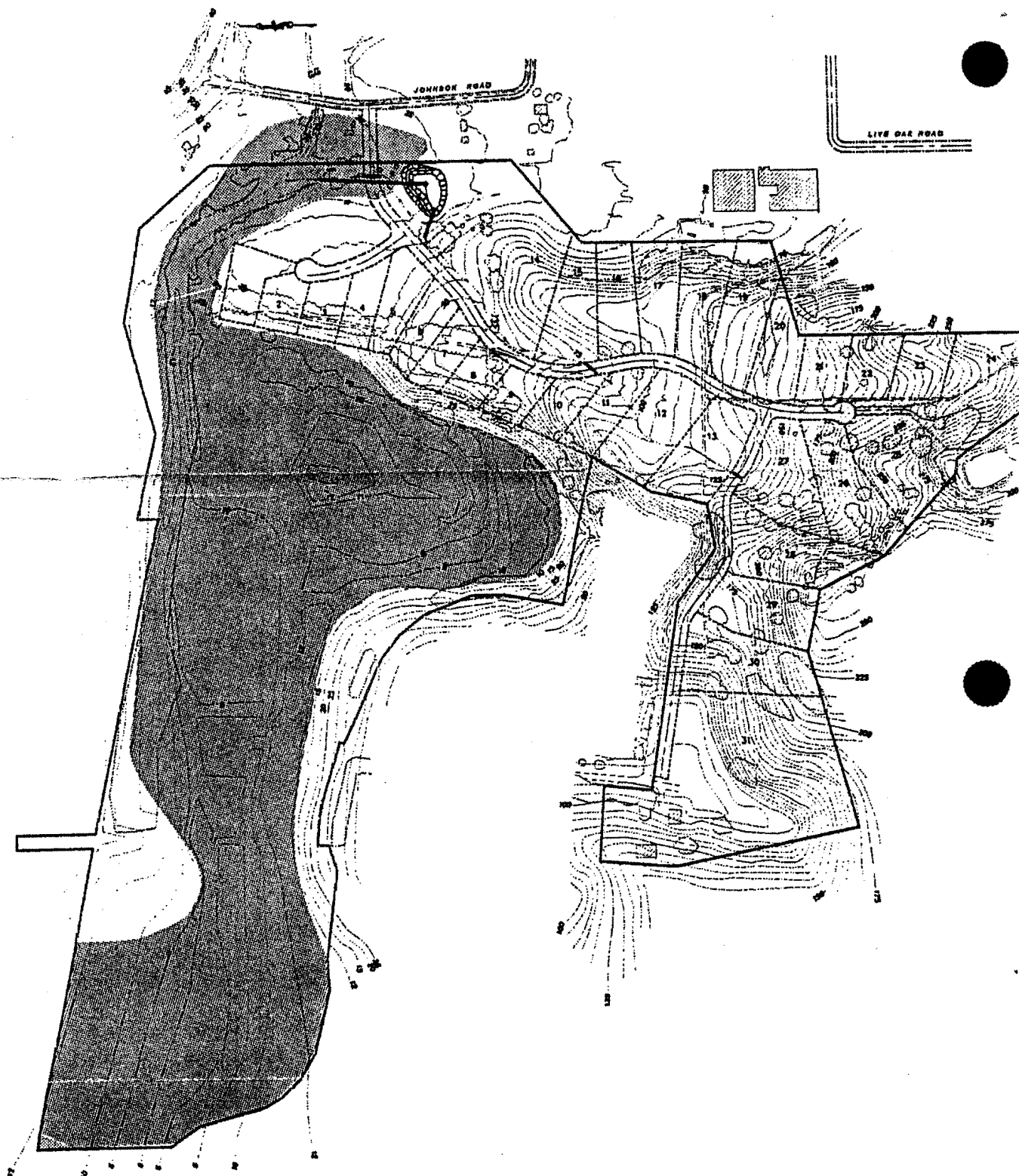
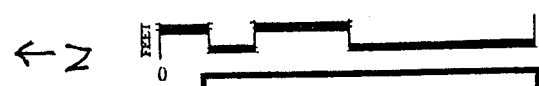
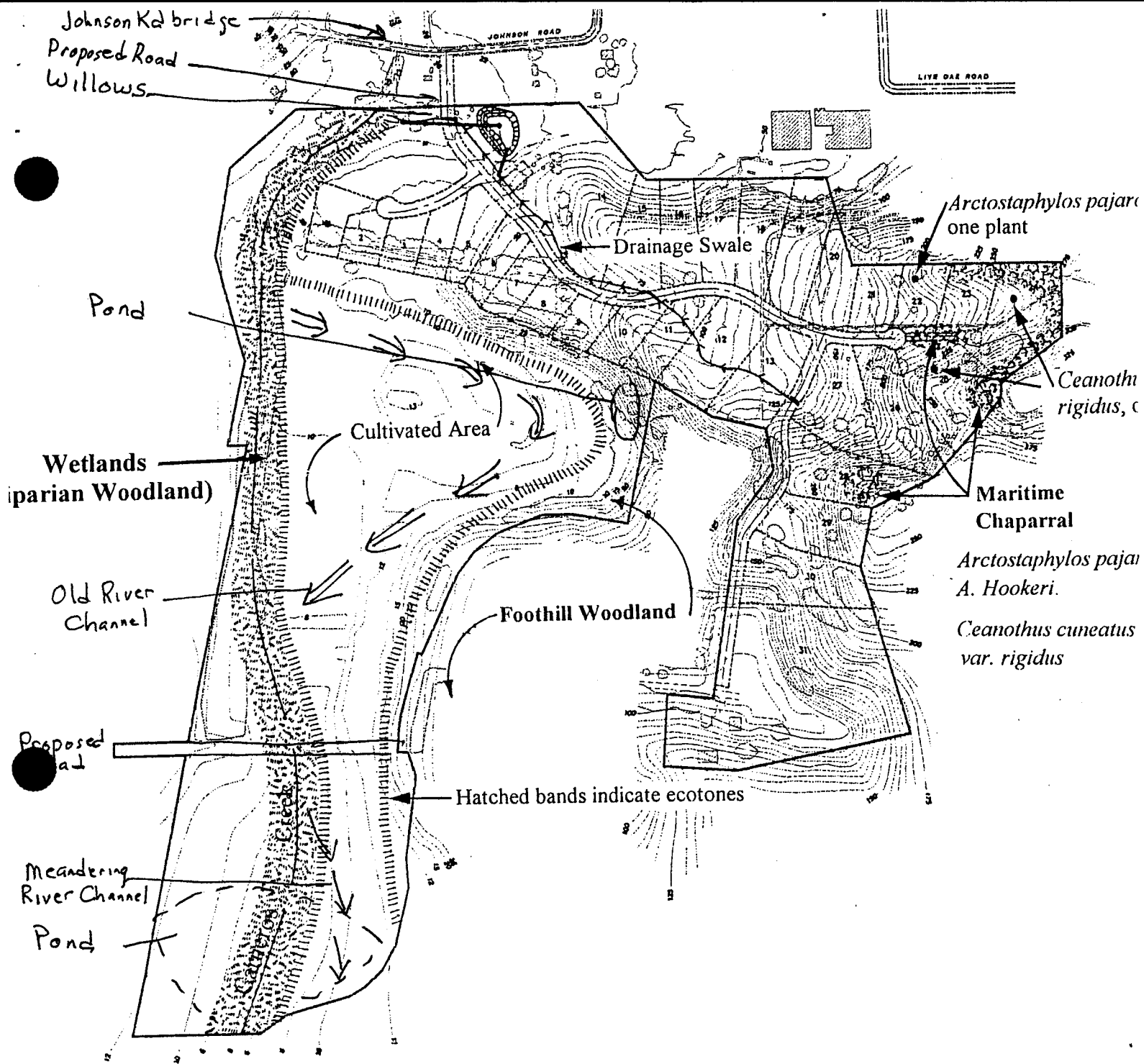


EXHIBIT NO. 6
APPLICATION NO. 1
A-3-97-89 3M
Floodplain



Coats Consulting

Biotic Resources Map

SOU
Jud Van

EXHIBIT NO. 7

APPLICATION NO.

3-MCO-97-89 3-M

