

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

CONTINUED PUBLIC HEARING)
(OPEN) TO CONSIDER MONTERRA)
RANCH (836) STANDARD)
SUBDIVISION TENTATIVE MAP)
AND CERTIFICATION OF)
ENVIRONMENTAL IMPACT REPORT,)
JACKS PEAK AREA, DISTRICT 5)

RESOLUTION NO 87-527

WHEREAS: On September 8, 1987 and October 6, 1987, the Monterey County Board of Supervisors held public hearings to consider the Tentative Subdivision Map for Monterra Ranch and,

WHEREAS: The Board of Supervisors heard testimony from County staff, the developers' representative and extensive testimony from members of the public and received recommendations from the Subdivision Committee (public hearing of April 30, 1987 and May 14, 1987) and Planning Commission (public hearings of May 27, 1987, June 24, 1987 and July 8, 1987) and,

WHEREAS: The proposed development consists of a subdivision to allow the development of 2,911.60 acres into 283 parcels ranging in size from 2 acres to 60 acres. The development proposal also includes one parcel of 47 acres for the development of an inclusionary housing project of 42 units and an offer to dedicate 115 acres of parkland contiguous to Jack's Peak County Park and,

WHEREAS: The Board of Supervisors considered the recommended CEQA findings, A statement of overriding consideration, findings and evidence and conditions as amended

per the Board of Supervisor's directive of September 8, 1987 and,

WHEREAS: The Board of Supervisors discussed the proposed project in relation to the recommendations of the County staff, the public, the Subdivision Committee and the Planning Commission and discussed conditions recommended by the Planning Commission and amended conditions and findings of fact as deemed necessary by the Board of Supervisors, and

WHEREAS: The Board of Supervisors found the tentative subdivision map for the Monterra Ranch Subdivision (826) with all conditions pertaining to the development is consistent with the Greater Monterey Peninsula Area Plan, the General Plan and the Carmel Master Plan and meets the requirements of Title 19 (Subdivision Ordinance) and Title 20 (Zoning Ordinance),

NOW THEREFORE BE IT RESOLVED: That the Board of Supervisors hereby certifies the Environmental Impact Report (84-007) with findings as setforth in Exhibit "A" a Statement of Overriding Consideration as setforth in Exhibit "B", the Findings of Fact and Supporting Evidence for the approval of the project as setforth in Exhibit C, and hereby approves the tentative subdivision map for the Monterra Ranch Subdivision with all conditions attached hereto as Exhibit "D".

PASSED AND ADOPTED this 6th day of October, 1987, upon motion of Supervisors Del Piero, seconded by Supervisor Karas and carried by the following vote:

AYES: Del Piero, Karas, Petrovic, Shipnuck, Strasser
Kauffman

NOES: None

ABSENT: None

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 60, on October 6, 1987
Dated: October 6, 1987

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

By

Nancy Luckenbill

Deputy

EXHIBIT "A"

CEQA FINDINGS FOR MONTERRA RANCH EIR #84-007

1. Finding: Pursuant to CEQA Guidelines Section 15084a,d(2), the County through the EIR contract process enlisted the services of LLS Associates, Don Lauritson, principal of Santa Cruz to prepare the EIR.
Evidence: Signed contract by William Tibbits, Deputy Purchasing Agent authorizing the work. EIR File 84-007 in the Monterey County Planning Department, Salinas, California.
2. Finding: The Scope of Work for the Monterra Ranch Subdivision EIR was prepared pursuant to the CEQA Guidelines Initial Study process.
Evidence: CEQA Guidelines 1986, Sections 15063, 15153, and 15162, utilizing the Table of Contents of EIR 84-007.
3. Finding: The full CEQA process for preparing a Draft Subsequent EIR was complied with as follows:

CEQA Guidelines Sections:

a. 15080

Finding: To the extent possible the EIR process was combined with the existing planning, review, and project process used by Monterey County.

Evidence: Correspondence in EIR file 84-007 indicates that data gathered by public agencies was coordinated with the writing of the Draft EIR.

b. 15081

Finding: The EIR process began with the Monterey County Planning Department staff decision that an EIR was needed. A preliminary review was conducted utilizing the Initial Study process (CEQA Sections 15060, 15063).

Evidence: The staff recommendation and analysis in EIR File 84-007.

c. 15082

Finding: A Notice of Preparation was sent to various agencies and individuals to notify them that an EIR was being drafted and to request advice on the contents of said EIR.

Evidence: The Notice of Preparation, a list of individuals and agencies to whom the EIR was sent, and their responses thereto are contained in EIR File 84-007 on file with the Monterey County Planning Department, Salinas, California.

d. 15083

Finding: The consultant, LLS Associates contacted numerous persons, organizations, and agencies concerned with the project.

Evidence: The Draft EIR page 137 lists the persons and organizations personally contacted by the consultant.

e. 15084

Finding: The Draft EIR was prepared in accord with Finding #3.

Evidence: The contract and the Scope of Work Exhibit A in EIR File 84-004 on file in the Monterey County Planning Department, Salinas, California.

f. 15085

Finding: Upon completion of the Draft February 1986 a Notice of Completion was filed with the California State Office of Planning and Research. The Notice of Completion described the project, its location, stated where Draft EIRs would be reviewed and the time of the review period for receiving comments on the Draft EIR.

Evidence: Photocopy of the Notice of Completion and an acknowledgment post card from the Office of Planning and Research are contained in EIR File 84-007 on file in the Monterey County Planning Department, Salinas, California.

g. 15086

Finding: The staff and the consultant distributed the Draft EIR to all Federal, State and local agencies and consulted with them about responses to the Draft EIR received during the review period.

Evidence: EIR File 84-007 containing notes and memos of correspondence on file with the Monterey County Planning Department, Salinas, California.

h. 15087

Finding: The Planning Department provided public notice of the availability of the Draft EIR.

1. A list of person who received the Draft EIR complete with Public Notice of the review period stapled inside the front cover is in EIR file 84-007.
2. A list of people who procured copies of the Draft EIR directly from the Planning Department is in EIR file 84-007.
3. Five copies of the Draft EIR were made available in reference sections of the Carmel Valley Branch Library, Carmel Valley; the Monterey City Public Library, Monterey; one copy each were available in the Steinbeck Library and County Library in Salinas.

i. 15091(a)(1)

Finding: The Monterra EIR requires the developer to incorporate changes or mitigations which lessen or avoid significant effects as identified in the EIR.

Evidence: EIR #87-007 pages i through Xii which identify significant environmental impacts and measures to mitigate the impacts. Conditions of approval have been formulated to conform to the mitigation measures.

STATEMENT OF OVERRIDING CONSIDERATION FOR
MONTERRA RANCH SUBDIVISION

The Environmental Impact Report for this project describes the impact of increased traffic as an unavoidable adverse impact. Upon review of the evidence in the EIR, the Board of Supervisors agrees that there is an unavoidable impact on traffic. On balance, however, the Board of Supervisors has decided to approve the project because the benefits of the proposed project outweigh the unavoidable adverse environmental effect, and thus the adverse environmental effect may be considered "acceptable".

The benefits of the proposed project which outweigh its unavoidable adverse environmental effect as described are:

1. The proposed subdivision for the Monterra Ranch is highly unique and would result in the creation of 283 single family homesites on a total of 2,911.60 acres. This would result in an ultimate density of 1 unit per 10 acres, which is consistent with the County General Plan and the Greater Monterey Peninsula Area Plan. Thus, the County's plan for this area will provide for a very low density of development and will insure that the scenic and open space values of the Monterra property will be maintained. In contrast, the Highway 68 Area Plan adopted by the City of Monterey would allow up to 1700 units to be constructed on the Monterra Ranch. Under the Greater Monterey Peninsula Area Plan the development for Monterra Ranch proposes 84% less density than the City's Highway 68 Area Plan.
2. The applicant has proposed, and the County has accepted in principle, the dedication of 47.60 acres for 42 inclusionary housing units (low and moderate income). The Board of Supervisors has approved rezoning of the property to allow additional density as per policy 62.1.14 of the Greater Monterey Peninsula Area Plan. This low cost housing would not be built except as a condition of subdivision approval. This overbalances the traffic impact in favor of subdivision approval because on-site low and moderate income housing in the planning.
3. The applicant is required to dedicate the area within the adopted plan line of the County of Monterey within the Highway 68 plan lines. The dedication will, in the future, alleviate traffic for many other persons in the County other than the applicant. Therefore, the long-term environmental effect and benefit to the County outweighs the short-term impact upon traffic.

4. As a result of the project as proposed, the developer is dedicating trails (hiking and riding) and 115 acres of future park land. This dedication will be beneficial to residences of the area as well as the public in general.
5. The proposed subdivision for Monterra Ranch calls for viewshed protection and building sites have been situated so that they are not visible from Highway 68 or Carmel Valley Road. No development is planned for ridgelines. The development proposed for the Monterra Ranch calls for two entrances to the development, both of which are off of or connected to Highway 68. The development plan does not propose any traffic connections to Highway 1 or Carmel Valley Road.
6. On the basis of the unique opportunity presented by the proposal of Monterra Ranch, by its extremely light density, the perpetual protection of viewshed, the potential for expanded recreational opportunities to citizens of Monterey County by the proposed addition to Jack's Peak Park, and by the proposed addition to the Jack's Peak Park Trail system, the approval of the subdivision and its proposed development will outweigh its adverse impacts.

FINDINGS OF FACT

1. Finding: The Tentative Map for the Monterra Ranch Subdivision is consistent with the County General Plan and the applicable area plan, the Greater Monterey Peninsula Area Plan.

Evidence: The project is consistent with the Greater Monterey Peninsula Area Plan which designates this property as Rural Density Residential, 10 acres per unit and is consistent with other elements of the General Plan. It is also consistent with the land use element and the affordable housing density policy 58.1.5 (p.153) of the Greater Monterey Peninsula Area Plan in effect at the time the application was determined complete. As well, the property was previously rezoned to include added density for inclusion of affordable housing for the project. The tentative map proposed 283 market rate lots on 2,911.60 acres and the dedication of one 47 acre lot for inclusionary housing. The density proposed is 1 unit per 10 acres.

2. Finding: The proposed subdivision is consistent with policies of the Greater Monterey Peninsula Area Plan including the following: 1.1.3, 3.1.1, 3.2.4.1, 5.1.3, 7.1.4, 9.1.1.1, 15.1.11.1, 17.3.11, 17.3.12, 17.3.13, 21.1.6.1, 22.2.1.1, 1.6.1, 26.1.9.1, 39.1.1.3, 40.2.5, 40.2.7, 40.2.10, 51.1.4, 51.1.5, 51.2.4.1, 53.1.3.1, 62.1.14.

Evidence:

- (a) Highly sensitive scenic areas are protected by the subdivision design in that no development is visible from Highway 68 or from Highway 1. [POLICY 1.1.3 - (GMP)]
- (b) Erosion control procedures have been incorporated into the design and proposed construction of the subdivision in such a manner so as to mitigate any erosion as a result of the development of the subdivision. [POLICY 3.1.1 - (GMP)]
- (c) The density of the project of 283 market rate units and 42 low and moderate income units is consistent with the Greater Monterey Peninsula Area Plan density of 10 acres per unit. [POLICY 3.2.4.1 - (GMP)]

- (d) The use of ground water by the Monterra subdivision will not have an adverse effect on wildlife fish or plant communities or on supplies available to existing users. [POLICY 5.1.3. - (GMP)]
- (e) Chapparal habitat located on slopes exceeding 30% will not be disturbed by this development. [POLICY 7.1.4 - (GMP)]
- (f) The open space within the subdivision contains diverse habitats (ridgelines, hillsides, canyons and valleys, and open grasslands). [POLICY 9.1.1.1 - (GMP)]
- (g) A detailed geologic and soil study will be undertaken for the subdivision and the recommendations of the reports are required to be followed in the construction of the subdivision. [POLICY 15.1.11.1 - (GMP)]
- (h) The conditions of approval of the subdivision include a requirement that all roads are adequate for fire protection standards. [POLICY 17.3.11 - (GMP)]
- (i) The subdivision design has been conditioned to required adequate emergency vehicle access and allow for emergency vehicular access. [POLICY 17.3.12 - (GMP)]
- (j) The construction of homes on the subdivision have been conditioned to require the use of fire resistant roof materials. [POLICY 17.3.13 - (GMP)]
- (k) A water quality analysis for the subdivision water wells has been required and water quality problems will be mitigated by the operation of a water treatment plant. [POLICY 21.1.6.1 - (GMP)]
- (l) The applicant is required to conduct a noise study and incorporate the conclusions of that study into the design of homes to be placed on the property. [POLICY 22.2.1.1 - (GMP)]
- (m) Approximately 50% of the project property will remain in open space. Homes will be clustered to maintain a rural atmosphere and protect scenic resources. [POLICY 1.6.1 - (GMP)]
- (n) Development of homes in the subdivision on hill tops have been designed so as to eliminate visual impact of the development. [POLICY 26.1.9.1 - (GMP)]

- (o) The subdivision will be required to contribute \$3,900.00 per lot towards the improvement of Highway 68 and offer to dedicate 45 acres to the County of Monterey for improvements to Highway 68. [POLICY 39.1.1.3 - (GMP)]
- (p) The visually sensitive or highly sensitive parcels on the property will be dedicated to open space to ameliorate visual sensitivity of this property within the subdivision. [POLICY 40.2.5 - (GMP)]
- (q) The areas within the subdivision designated for development are not located in highly visual sensitive areas. [POLICY 40.2.7 - (GMP)]
- (r) The property is and will continue to be zoned scenic conservation. [POLICY 40.2.10 - (GMP)]
- (s) The hiking and equestrian trails will be dedicated to public use consistent with the Greater Monterey Peninsula Area Plan Trails Map. [POLICY 51.1.4 - (GMP)]
- (t) The design and location of equestrian and hiking trails has been made with the advice and consent of the Monterey County Parks Department. [POLICY 51.1.5 - (GMP)]
- (u) The subdivision developer is offering to dedicate 115 acres to Jacks Peak Park. [POLICY 51.2.4.1 - (GMP)]
- (v) The subdivider is required to prepare and submit a hydrologic report certifying the sustained yield of the wells on the property for the proposed new development. [POLICY 53.1.3.1 - (GMP)]
- (w) Approval of the subdivision has been conditioned upon the construction of 42 inclusionary housing units on site. [POLICY 62.1.14 - (GMP)]

3. Finding: While the Monterra property has been properly excluded from the Carmel Valley Master Plan by the Board of Supervisors, the Board finds that the property is within the Carmel Valley Master Plan watershed zone; thus, examination for consistency of the proposed Monterra Subdivision with the goals, objectives and policies of the Carmel Valley Master Plan is appropriate. Upon such examination, the Board finds that the proposed Monterra subdivision is consistent with the applicable goals and policies of the Carmel Valley Master Plan and that the development will

not create a significant adverse environmental impact on the Carmel Valley Master Plan area. Those policies include the following:

1.1.3, 1.1.4, 3.1.1.1, 3.1.1.2, 3.1.1.3, 3.1.5, 3.1.6, 3.1.7, 3.1.8, 3.1.9, 1.1.10, 1.1.11, 3.1.15, 3.2.3.1, 3.1.4, 7.1.1.1, 7.1.1.2, 7.2.1.1, 7.2.1.2, 7.2.1.3, 7.2.2.5, 9.1.2.2, 11.1.1.1, 15.1.16, 15.1.17, 16.2.13, 17.3.1.1, 17.4.1.1, 17.4.13, 17.4.15, 21.3.6, 22.2.1.1, 22.2.4.1, 26.1.9.1, 26.1.10.1, 26.1.24, 26.1.25, 26.1.29, 27.3.6, 35.1.3, 39.1.7, 39.2.8, 51.2.7, 51.2.1.11, 56.2.4

Evidence:

- (a) The proposed subdivision provides 115 acres of open space contiguous to Jacks Peak Park. [POLICY 1.1.3 - (CV)]
- (b) Open space will be dedicated in perpetuity by scenic easement and "O-D" (Open Space) zoning. [POLICY 1.1.4 - (CV)]
- (c) A soils report has been prepared for the proposed subdivision and this report includes discussion of existing and possible future deposition of upslope materials or downslope slippage for this division. [POLICY 3.1.1.1 - (CV)]
- (d) An erosion control plan has been prepared for the project. The plan provides that all sediment will be retained on site through the construction of drainage facilities capable of storing water from the 100 year storm event and slowly releasing that water at no greater than the ten year storm discharge rate. The plan also requires that the basins be constructed with a 15% additional siltation capacity. The Board has also required the revegetation of all cut and fill slopes and the preparation of a map showing drainage on the site as well as construction of the aforementioned drainage facilities. [POLICY 3.1.1.2 - (CV)]
- (e) The developer is required to incorporate mitigation measures for construction during the winter rain season. [POLICY 3.1.1.3 - (CV)]
- (f) The design of project minimizes unnecessary grading. [POLICY 3.1.5 - (CV)]
- (g) A condition of the approval of the project requires that grading and site control be implemented for the construction of each home. [POLICY 3.1.6 - (CV)]
- (h) The developers of the subdivision are required to

minimize cut and fill slopes so as to help prevent erosion. [POLICY 3.1.7 - (CV)]

- (i) Native vegetative cover will be retained to the greatest extent feasible on steep slopes in order to minimize erosion dangers. [POLICY 3.1.8 - (CV)]
- (j) Conditions of approval of the development include the requirement that an annual maintenance and reporting to the County of Monterey be made regarding the operation of the erosion control facilities on the property. Additionally, the development is required to provide for future payment of maintenance and repair expenses of the erosion control facilities and drainage control facilities on the site. [POLICY 3.1.9 - (CV)]
- (k) The developer is required to contribute \$280,000.00 towards both Carmel Valley and Canyon Del Rey drainage improvement facilities. [POLICY 3.1.10 - (CV)]
- (l) The proposed subdivision contains onsite storm water retention and infiltration basins. [POLICY 3.1.11 - (CV)]
- (m) The preparation of an erosion control plan by the subdivider and the recommendations of that plan are required to be conditions of approval. [POLICY 3.1.15 - (CV)]
- (n) The Conditions, Covenants and Restrictions prohibit the keeping of livestock on lots except ranch lots in order to minimize the possibility of erosion caused by overgrazing. [POLICY 3.2.3.1 - (CV)]
- (o) The County required the preparation of a hydrology study for this property and that study has been reviewed by the Monterey Peninsula Water Management District. The conclusion of that study is that the aquifer from which this property draws water does not affect the Carmel River aquifer. [POLICY 3.1.4 - (CV)]
- (p) The developer has identified the areas containing the potentially threatened hickman onion plant and that the development of this parcel will not significantly effect that resource due to the imposition of mitigation measures. [POLICY 7.1.1.1 - (CV)]
- (q) The impact of this development on the hickman onion will be reduced to a level of

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insignificance by the implementation of a mitigation plan transplanting the hickman onion or relocating development. [POLICY 7.1.1.2 - (CV)]

- (r) The Chapparal community will be preserved to the greatest extent feasible on the property. [POLICY 7.2.1.1 - (CV)]
- (s) A condition of approval requires the preparation of a plan to address the impacts on the hickman onion plant found on the property and the recommendations of that plan will be implemented in the development of the subdivision. [POLICY 7.2.1.2 - (CV)]
- (t) The subdivision has no visual impact on Carmel Valley. [POLICY 7.2.1.3 - (CV)]
- (u) The removal of oak trees will be controlled by the CC&Rs approved for the subdivision. [POLICY 7.2.2.5 - (CV)]
- (v) Open space areas in the subdivision contain a diversity of habitat- areas including hill tops, slopes, canyons and grasslands. [POLICY 9.1.2.2 - (CV)]
- (w) A botanical report will be required to be prepared for the project as a condition of approval. The report will contain mitigations measures to address impacts on the hickman onion plant specie. [POLICY 11.1.1.1 - CV]
- (x) The developer has produced a geologic report which is reviewed by the County and a third party consultant. That report which has been provided to the public for review has had its mitigation measures incorporated into the design of the subdivision. [POLICY 15.1.16 - (CV)]
- (y) Areas susceptible to slope failure have been designated open space in the subdivision. [POLICY 15.1.17 - (CV)]
- (z) The subdivision has been conditioned to require contribution of \$280,000.00 towards the improvement of downstream drainage facilities in both Carmel Valley and the Canyon Del Rey drainage areas. [POLICY 16.2.13 - (CV)]
- (aa) The design of the roads within the subdivision are adequate for fire protection service. [POLICY 17.3.1.1 - (CV)]

- (bb) The design of the subdivision has been conditioned to mitigate fire hazards by requiring adequate fire protection standards in the design of water systems and roadways. [POLICY 17.4.1.1 - (CV)]
- (cc) The County has required the incorporation of residential sprinkler systems into the construction of homes in the subdivision. [POLICY 17.4.13 - (CV)]
- (dd) The County is requiring the construction of all homes on the site to be with fire retardant roofing materials. [POLICY 17.4.15 - (CV)]
- (ee) The developer is required to prepare a hydrology report for the property showing that installation of septic tanks can be done in a manner in which any possible contamination of the Carmel Valley aquifer can be prevented. [POLICY 21.3.6 - (CV)]
- (ff) The subdivision is conditioned to require the developer to prepare a noise study, the recommendations of which will be incorporated into the design of structures in the subdivision. [POLICY 22.2.1.1 - (CV)]
- (gg) There will be no impact on Carmel Valley from construction noise due to the distance between the project and any habitable structures in Carmel Valley. [POLICY 22.2.4.1 - (CV)]
- (hh) There will be no ridge line development in the subdivision as defined in the Monterey County General Plan or the Carmel Valley Master Plan. There will be no development on the property that will create a substantially adverse visual impact when viewed from common public viewing areas. The design of the subdivision has been conditioned so as to prevent new development from being visible from or public viewing areas. [POLICY 26.1.9.1 - (CV)]
- (ii) Development on 30% slopes within the subdivision has been prohibited except on a small percentage of roadways so as to allow the construction of homes without significant visual impact and so as to promote the rural residential character of this property. [POLICY 26.1.10.1 - (CV)]
- (jj) Design of the subdivision minimizes hillside scarring and avoids cuts and fill where at all possible while still carrying out the Policy 26.1.21. [POLICY 26.1.24 - (CV)]

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(kk) Visual alteration of land forms is minimized in the design of the subdivision by allowing only minor roadway development on slopes exceeding 30%. [POLICY 26.1.25 - (CV)]

- (ll) The subdivision has been and will continue to be zoned scenic conservation and design and site control will therefore be required for all residential development within the subdivision. [POLICY 26.1.29 - (CV)]
- (mm) The proposed subdivision requires that the developer provide 42 low and moderate income housing units to be constructed on site. [POLICY 27.3.6 - (CV)]
- (nn) The subdivision has been designed so that additional runoff and erosion will not occur off the development site and that storm drainage facilities have been designed to accommodate 100 year storm flows and discharge water at no greater than 10 year storm flow rates. [POLICY 35.1.3 - (CV)]
- (oo) The subdivider is required to contribute \$3,900.00 per lot plus offer to dedicate 45 acres of right-of-way to mitigate traffic impacts from the development. [POLICY 39.1.7 - (CV)]
- (pp) Minor road lengths on slopes exceeding 30% will be conditioned so as to prevent erosion and any visible scarring. [POLICY 39.2.8 - (CV)]
- (qq) The subdivision design is providing additional public recreational facilities by offering to dedicate 115 acres contiguous to the existing Jacks Peak Park. [POLICY 51.2.7 - (CV)]
- (rr) The subdivision proposal for hiking and equestrian trails is consistent with the Greater Monterey Peninsula Area Plan trails map. [POLICY 51.2.1.11 - (CV)]
- (ss) The subdivision proposal incorporates requirement of underground utilities in its design and improvement plans. [POLICY 56.2.4 - (CV)]

4. Finding: The site of the proposed subdivision is physically suitable for the type of development proposed.

Evidence: Drainage and septic tank percolation test data indicate that homes can successfully be built on each of the lots as designed on the tentative map. As a result of the mitigation measures outlined in the project EIR (EIR #84-007) a subsequent detailed geologic report was prepared by Rogers Johnson, Registered Engineering Geologist. The report identified seismic hazards located within the project boundaries. Hazards

such as landslides, faults and other geologic hazards have now been studied and mitigation measures applied to the subject application and tentative map revised to avoid hazards as identified in the detailed geologic report. Measures include setbacks from fault zones, 30% slope areas and landslides. Further, the applicants are required to prepare site plans for each lot that identify geologic hazards which may possibly affect the subject lot.

The geologic report as mentioned above was reviewed for adequacy by William Cotton and Associates, Geotechnical Engineers. William Cotton and Associates have indicated that further geologic studies are required to determine the stability of the Berwich landslide areas and other geologic units as reported on in the geologic report by Rogers Johnson (December, 1986).

According to Cotton and Associates these additional studies must be conducted prior to the filing of the final map of the first phase of the subdivision. If further geologic studies reveal that the areas are unstable, the affected subdivision lots and access roads may be deleted to relocated to conform to the geologist's recommendation.

5. Finding: The site is physically suitable for the density proposed by the tentative map.
Evidence: Tentative map and geologic report and topography combine to show that the lots are of a size and placement to distribute the lot density over the original 2,831 acre parcel to maximize usage of physically suitable land. All areas which are greater than 30% slope will be dedicated as scenic easement. An exception was granted as specified in Policy 26.1.10 (30% slope prohibition) to allow development of a small portions of subdivision roads.
6. Finding: In recommending approval of this subdivision the Subdivision Committee has considered the effect of approval of the proposed subdivision on low and moderate income inclusionary housing requirements and the housing needs of the County and has balanced those needs of its residents and available fiscal and environmental resources.
Evidence: The subdivider is required by condition of approval to meet the requirements of the Inclusionary Housing Ordinance and is required to provide 42 inclusionary housing units on site.

7. Finding: The design of this subdivision provides for future passive or natural heating or cooling opportunities.
Evidence: Review of the proposed building sites shows that the size, location, topography and vegetation of the proposed lots allow insulation (sunlight) to fall on each property and building site throughout the year, and that existing vegetation is trees, which would therefore not impinge on passive energy opportunities.
8. Finding: The design of the subdivision and the proposed tentative map and the improvements required or proposed will not result in any potential significant environmental impacts which are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat or cause serious health problems.
Evidence: As a result of an EIR which was prepared for the project, specific environmental impacts are identified in the report and mitigation measures are recommended to address adverse environmental impacts as a result of the project. Conditions of approval take into consideration the mitigation measures as outlined in the EIR. Further a detailed geologic report was also prepared as a mitigation measure prior to the public hearing process for the project.
9. Finding: The design of the subdivision proposed by the tentative map or type of improvements on the tentative map is not likely to cause serious public health problems in that no lot proposed can be filed as part of the final map without first proving to the satisfaction of the County Health Department that its design, size, and soil characteristic adequately provide for safe septic tank leachfield disposal needs in accordance with State and local requirements.
Evidence: Soils Report in Subdivision File 826; Percolation tests reviewed by the Monterey County Health Department.
10. Finding: The subdivision as proposed will not adversely affect the natural scenic beauty of the Greater Monterey Peninsula.
Evidence: Two conditions are being imposed to mitigate any visual impacts of the project. (1) The project is currently zoned "SC" (Scenic Conservation) and will remain "SC" zoning as required by condition number 3. This type of zoning requires that the Planning Commission review and approve each single family dwelling prior to its construction.

(2) Building envelopes will be established that indicate the approximate location of a proposed single family dwelling. Each building envelope will be recorded with the Covenants, Conditions and Restrictions. Further, the Subdivision Committee reviewed the proposed development on-site May 7, 1987 and determined that with proper site control each lot could be developed without visual impacts or ridgeline development.

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

Evidence: The proposed standard subdivision and the use proposed will not effect nor impact the surrounding land uses as evidenced by the Environmental Impact Report and the findings and supporting evidence as previously outlined in this report (findings and supporting evidence 1 through 10 above).

EXHIBIT "D"

RECOMMENDED CONDITIONS

- 7-5 '15
LES 619880
- O.K. ✓
all in one
book
all times
except
York
11/10/1915
1. That building envelopes be established for all lots and approved by the Director of Planning and that the approved building envelopes be shown on the final map. Prepare site plans for all lots to be approved by the Director of Planning. The site plan shall: (1) define the building envelope (2) identify existing geologic hazards showing setbacks (100' minimum) from such hazards; (3) identify areas placed into scenic easement showing a 50' setback or as determined by subsequent geologic studies; (4) the maximum size of each site plan shall be 8 1/2" x 14". The approved site plans are to be recorded with the subdivision CC&R's. A note shall be placed on the final map of each phase stating that site plans have been prepared for this subdivision and that the property may be subject to building and/or use restrictions.
 - ✓ 2. That a scenic easement be conveyed to the County over those portions of the subdivision not designated as building envelopes and all those portions of the property where slopes exceed 30%. The scenic easement deed shall be submitted to and approved by the Director of Planning prior to the filing of the final map for each phase.
 3. Applicant shall request in writing combining SC-B-6 zoning classification for lots 1 thru 283, "O-D" zoning classification for the parcels designated open space Park land and "ST-D Maximum 1 unit/acre" zoning classification for ranch lot dedicated for inclusionary housing prior to filing of final map.
 4. That a note be placed on the final map indicating that "underground utilities are required in this subdivision in accordance with Chapter 19.12.140 (M) Title 19 of the Monterey County Code." Such facilities shall be bonded prior to filing a final map for each phase. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works.
 5. The following notes shall be placed on the final map for each phase. The notes shall be located in a conspicuous manner subject to the approval of the Director of Planning:
 - a) "All lots in this subdivision require engineered foundations to be approved by the Director of Building Inspection."

- b) "A geologic report was prepared December 22, 1987 by a registered geologist for this subdivision and is on file in the Monterey County Planning Department. The report was prepared by Rogers Johnson, Geo. Consultants, Inc. and recommendations as outlined in the report be followed for the development of the subdivision. A third party review of the Geologic Report has been prepared by William Cotton and Associates, Geotechnical Consultants and is on file in the Monterey County Planning Department.
- c) "That all lots in this subdivision are subject to site and design approval by the Planning Commission prior to issuance of building permits."
- d) No further subdivision of this property shall be allowed.

✓ 6. That the developer record a notice that the lot labeled "Inclusionary Housing Lot" is for low and moderate income housing only and that units are to be sold to and occupied by families of low to moderate income as defined by the Inclusionary Housing Ordinance. The notice shall further state that the subsequent buyers of the lots or units shall also qualify as low to moderate income pursuant to the definition of the Inclusionary Housing Ordinance and as verified by the Housing Authority of the County of Monterey. The notice shall also state that the units shall not be rented.

7. That any street lights in the development be approved by the Director of Planning.

8. That the subdivider grant an avigation easement to the Monterey Peninsula Airport District prior to filing of the final map and subject to the approval of the Director of Planning.

✓ 9. Prior to the filing of the final map for each phase, the subdivider shall comply with the recreation requirement contained in Section N, Article V, Chapter 19, Title 19 (Subdivisions) Monterey County Code. This condition is not applicable to inclusionary housing lot.

10. The property owner agrees as a condition of the approval of this standard subdivision pursuant to Government Code Section 66474.9, to 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 concurrently with the filing of each phase of the final map. 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.

- ✓ 11. An archaeologist shall be retained to monitor the initial excavation and grading of subdivision improvements for each phase. An agreement signed by the archaeologist, applicant, and excavation contractor subject to approval of the Planning Director prior to issuance of the grading permit shall be required. Said agreement shall specify that the archaeologist and County staff be on-site immediately prior to start of excavation and that the archaeologist be present while excavation and grading are underway. The archaeologist shall submit a written report detailing findings, if any. Upon discovery of significant archaeological resources excavation or grading shall cease for a period necessary to determine the significance of any artifacts and salvage any discoveries. Said period shall not exceed 15 working days.

- X 12. That a Homeowners Association be formed for road, drainage and open space maintenance. The document(s) for the formation of this association shall be submitted to and approved by the Director of Public Works, the Director of Planning, and the Monterey County Flood Control and Water Conservation District prior to filing of the final map. The CC&R's shall include provisions for a yearly report prepared by a registered civil engineer regarding monitoring of impacts of drainage and maintenance of drainage facilities. The report shall be reviewed and approved by the Flood Control and Water Conservation District.

The conditions, covenants and restrictions shall incorporate the mitigation measures outlined in the Monterra Ranch EIR #84-007, and mitigation measure #28 (animal control, fencing designs, vegetation buffers, fire control standards, tree removal guidelines, open space).

13. Prior to the filing of the final map of the first phase of development, the developer shall submit an application and secure approval for the inclusionary housing project. Said application shall include a use permit and standard subdivision subject to the approval of the Board of Supervisors. Filing of the final map for the inclusionary housing units shall be concurrent with the filing of the first phase of the subdivision.

- X ✓ 14. Prior to the filing of the final map for the first phase, an erosion control plan shall be prepared for the project. This plan shall include all of the following and shall be approved by the Director of Building Inspection.

- A. all disturbed slopes shall be revegetated with a mix of seeds best suited for the climate and soil conditions;
- B. slopes shall be covered with a straw mulch or jute netting after seeding or hydroseeding; the straw mulch should be punched in; no hydromulch should be used;
- C. no grading shall occur between October 15 and April 15, unless conforming to Monterey County Code Section 16.12.090;
- D. where possible, cuts shall be revegetated with trees as well as seed, especially in areas where trees are removed to allow roads and driveways;
- E. removed topsoil shall be stockpiled on the site to be used for revegetation work;
- F. all road work on slopes over 30% or in landslide or dipslope areas shall require geotechnical evaluations;
- G. land shall be graded and landscaped in increments of size that can be completed during a single construction season;
- H. storm water shall not be allowed to flow directly down unprotected slopes, devoid of vegetation;
- I. catch basins shall be used to retain sediment within the site area during the construction period;
- J. the grading operations shall be evaluated and inspected by a qualified soils engineer;

- ✓ 15. Prior to the filing of the final map for the first phase, the developer shall prepare a mitigation plan for Hickman's Onion subject to the approval of the Director of Planning. The mitigation plan shall include the following:

Plan prepared

- A. The mitigation plan shall be prepared by a qualified biologist, as selected from the County's list of Consulting biologists. Report preparation shall be at the applicant's expense.
- B. The mitigation plan shall contain the following elements:
 - 1. identify the property surveyed, with accompanying location map and site plan showing topography and all existing and proposed structures and roads, and the proposed project site(s);
 - 2. describe the method of survey;
 - 3. identify the type(s) of plant found on the site (and/or on adjacent properties where development is adjacent to the habitat), with an accompanying map delineating habitat location(s);
 - 4. identify the plant found on the site (or on adjacent properties, where development is adjacent to the habitat) with a map showing their habitat locations;
 - 5. in areas of potential public or private access, determine the maximum amount and type(s) of

- public or private use which will allow for the long-term maintenance of the habitat;
6. describe and assess potential impacts of the development on the environmentally sensitive habitat(s) found on the site and/or on neighboring properties;
 7. the report shall contain mitigation measures, such as buffer area and/or setbacks from the habitat, building envelopes, and modifications to proposed siting, location, size, design, vegetation removal, and grading, which will reduce impacts to on-site or neighboring habitats and allow for the habitat's long-term maintenance;
 8. assess whether the mitigation measures will reduce the development's impact to an insignificant level, which is the level at which the long-term maintenance of the habitat is assured; and,
 9. *D.K.* other information or assessment as necessary to determine or assure compliance for protection of the specie Hickman Onion. Lots numbered 234, 236, 237, 238, and 239 and the access road to the lots shall be relocated if mitigation plan is not demonstrated to be successful at the end of the second phase of development. The lots and access road as indicated shall be relocated.
- ✓ 16. *O.K. dedicated* Prior to the filing of the final map of the first phase, the developer shall enter into an agreement and an offer to dedicate for public use, the riding and hiking trail as shown the tentative map and as shown in the Greater Monterey Peninsula Area Plan Fig. 12. The agreement and dedication shall be subject to the approval of the Director of Planning.
- ✓ 17. *O.K. report prepared* That a detailed archaeological investigation and report be prepared by a qualified archaeologist for the areas identified in EIR #84-007. This report will be subject to the approval of the Director of Planning.
18. The subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company, Pacific Bell and Water Company. Utility companies shall submit their recommendations, if any, to the Public Works Director for all required easements.

19. The subdivider shall pay for all maintenance and operation of private roads, street lights, fire hydrants, and storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors as completed in accordance with the agreement and until an owners association or other agency with legal authorization to collect fees sufficient to support the services formed to assume responsibility for the services.

✓
X Don't have report
But check 20.
Notes for
each phase
prepared, reviewed
& implemented
Revised shown
Location & FLOW RATE OK

20. That adequate detention ponds and silt traps be provided for this development such that the flow rate through the subdivision is not increased nor quality decreased. Drainage plans are to be approved by Flood Control District and the Public Works Director. Detention ponds shall be completed concurrently with road grading. Catch basins are to be designed with sediment traps.

21. That all natural drainage channels be designated on the final map by easements labeled "Natural Drainage Easement" or "Scenic Easement" and that detention ponds, silt traps and the appurtenant access be covered by "Drainage Easement."

X ✓
Same
as above
Check off
sheets
No Report in File
SOURCE
DOCUMENT
OFFSITE?
LET TO TALK TO
LAWYER AND ENGINEER
ABOUT THE PROCESS

22. That a drainage report be submitted for approval of the Flood Control District and the Public Works Director. The report is to include and show all tributary areas and information pertinent to the capability of the detention ponds and silt traps.

23. That the improvement and grading plans include the specific plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Building Inspection for lot grading and Public Works Director for road construction.

24. Where cuts or fills at property line exceed 5 feet driveways shall be rough graded and positive drainage and erosion control provided.

25. The developer shall use the criteria and information contained in the Monterey County Master Drainage Plan Canyon del Rey Watershed, dated June 1977, as a basis for designing run-off detention and siltation structures.

26. That street cross-sections at 50 foot intervals be submitted to the County Surveyor with the improvement plans. Slope easements may be required.

27. That a grading permit be obtained from the Building Department.

NOTE
FROM
WRM FOR SAND
PHASE
PREPARED BY
WRM CORP.
Appropriate
Criteria used
1970
2001 YEARS
2003
2004
2005
TIM MOSS
Pete Hori
PUBLIC WORKS

28. That all graded areas of the street right-of-way be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following:

- A. That the cut and fill slopes can be stabilized.
- B. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item 28A.
- C. Type and amount of maintenance required to satisfy item 28A.
- D. Maximum amount of maintenance required to satisfy item 28A.
- E. Planting to be bonded and maintained for a minimum period of two years.

- 29. That cut slopes not exceed 1 1/2 to 1 except as specifically approved in concurrence with the erosion control report and as shown on the erosion control plan. Slope rounding shall be a minimum of 10 feet by 10 feet to include replacement of topsoil.
- 30. That the subdivision agreement provide for the replanting of graded surfaces as soon as possible and the prohibition of grading during period of rain or high winds.
- 31. That utility services be located within the area of rough graded driveways to eliminate trenching through cut slopes where possible.
- 32. That the subdivider contribute \$3,900 per building site lot to the County of Monterey for the construction and funding of Highway 68 improvements prior to recordation of the subdivision final map. The contribution will be based on phasing if approved.
- 33. Obtain an encroachment permit from CALTRANS and construct left turn channelization on State Highway 68 at the entrance to Camino Saucito including acceleration and deceleration tapers.
- 34. That Camino Saucito be constructed to a width of 28 feet including drainage. Road geometrics shall be subject to the approval of the department of Public Works.
- 35. That Canada Vista Way, Venado Way and Monterra Ranch Road be constructed to a width of 28 feet including drainage control.
- 36. That all loop roads and cul-de-sacs be paved to a width of 24 feet including drainage control.

37. All stub roads shall have turn-arounds adequate for emergency equipment.

38. Structural sections on all roads shall be determined by R-value tests.

✓ 39. Offer to dedicate to County a right-of-way 60 feet wide from State Highway 68 to the southerly property line of the Monterra Ranch. Dedication shall include a 1 foot non-access strip along the entire frontage of Camino Saucito from State Highway 68 to the southerly property line of Monterra Ranch excepting for approved openings.

40. That the road illustrated on the tentative map as "Future Camino De La Segunda (Plan Line)", shall not be shown on the final map.

41. Offer to dedicate to County the area within the O.P.L. of State Highway 68.

42. That Monterra Ranch Road be closed or bonded for closing prior to construction Phase II except as a gated emergency access.

43. The developer shall deposit with the County Security acceptable to the County for payment \$228,000 dollars which is their proportionate share of the cost of intersection improvements at State Highway 68 and Camino Saucito and Olmsted Road at State Highway 68 based on current cost estimates. If the intersection improvements are not completed by January 1, 2005, the security shall be released and the developers obligation to contribute shall terminate.

The amount of \$34,000 shall be deposited with the County prior to the filing of the final map. The balance \$194,000 shall be deposited with the County prior to construction on Phase II of the Monterra Ranch.

44. Delineate on the final map the area subject to inundation by the 100 year flood.

45. The subdivider shall contribute to a fund for drainage facilities improvements in Canyon Del Rey, his proportionate share, to be determined by the County Flood Control District.

✓ 46. Design and construct the water system to meet the standards as set forth in Title 22 of the California Administrative Code and as contained in the Residential Subdivision Water Supply Standards. Submit plans for the water system to the Director of Environmental Health for approval before building the system. Also submit plans to the State of California, Sanitary Engineering, for their review and approval.

OK 47. Obtain a permit for the water system from the Health Department

1991 permit phase 142 48. Provide fire flow as required by the Residential Subdivision Water Supply Standards unless otherwise approved by the local fire protection agency. *Monterey Mutual Water Co. amended 2001 239 connections LSTONE Wb turn phase 7 in 2001*

49. Perform percolation tests and/or soil borings as required by the Health Department to determine the subdivisions suitability for sewage disposal by septic tank system. When a determination of the depth to groundwater is necessary, that determination may be required during the rainy season. The Health Department must be contacted to witness all soil borings and percolation tests. *CDPH now has records 8, 9, 10 Wb Wb Cb PH*

✓ 50. Obtain a waste Discharge permit for the Water Treatment System from the Regional Quality Control Board. This permit must be obtained prior to the issuance of any Health Department permits. *PERMIT ORDER 97-32 ISSUED 1997 CANADA WOODS RECLAMATION COMPANY MAY HAVE CHANGED NAMES*

51. Provide a certified Water Treatment Operator (minimum of grade III to operate the water treatment system. *Model 1992 size only*

52. Provide a public utility or County Service area (governmental agency) to be responsible for the onsite water system, both maintenance and operation.

53. Provide plans for the water treatment system to include redundancies and emergency power. Submit the plans to the Director of Environmental Health and the State of California, Sanitary Engineering, for their review and approval.

54. Provide noise study by a registered engineer to survey the impacts of airport noise on the project. Provide construction standards to mitigate any interior noise problems.

55. Approved numbers or address shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

56. All foundations shall have geotechnical review, design inspection and certification and shall be designated on the parcel map or be a part of the deed restrictions.

OK 57. Prior to filing of the first phase of the final map, further geologic studies are required to determine the stability of the Berwick landslide area and other geologic units as reported upon in the detailed geologic report prepared by Rogers Johnson, Consulting Geologist and the third party review conducted by William Cotton and Associates (December, 1986). If further studies reveal that the areas are unstable, the affected subdivision lots and access roads may be deleted or relocated to conform to *TDDD BESSIE MEND Report received NO copies of same studies*

the geologist's recommendation. Relocation of lots or roadway will require a revised tentative map.

58. Stormwater detention/siltation ponds shall be constructed such that runoff from the subdivision does not exceed that which occurs from the watershed under natural conditions.

59. The subdivider shall contribute a proportionate share for the improvement of drainage facilities at Carmel Valley Road, to be determined by the County Flood Control District.

60. The developer shall offer to dedicate the 115 acre parcel, designated as a park on the tentative map under the protection of a permanently zoned open space or scenic easement status and shall grant to the County a trail easement for public hiking and equestrian purposes over the parcel. The specific trail alignment shall be approved by the Director of Planning with the concurrence of the County Parks Director.

61. The developer shall allow unrestricted public hiking and equestrian access during the hours of daylight over the following designated trail alignments: (1) along the Highway 68 Corridor from the western to the eastern boundary of the subdivision; (2) along the ridge separating the property from Carmel Valley from Jacks Peak Park to the Hidden Hills subdivision at the easterly end of the subdivision; and (3) a connecting trail from the Highway 68 trail to the ridge trail at a point mutually agreed upon between the County and the Developer.

62. The developer shall have the sole responsibility for development, maintenance, patrol and liability for the entire trail system within the subdivision boundaries and of the open space area, until such time as there is a logical and continuous trail leading from Jacks Peak Park through the Hidden Hills subdivision and eastward to Laureles Grade. When this trail is complete and open to public use the County, through the Parks Department, shall assume a share of the cost of on-going maintenance and liability on a ratio determined by the percentage of use of the subdivision trails by the homeowners of the subdivision and by the general public traveling through or over the subdivision trails.

63. The developer and the County, through the Parks Department, shall enter into a mutual agreement through which all matters relating to the use of designated public trails within the subdivision and open space area are addressed.

64. Water system shall be capable of delivering 750GPM for 2 hour duration. Mains shall be a minimum of 6 inches with 6 inch risers to the hydrant. Hydrants shall be spaced 500 feet apart. Hydrants shall have two 2 1/2 inch and one 4

1/2 inch outlets NST. (National Standard Threads) Water system shall be a looped system.

65. All dwellings shall have a residential sprinkler system installed.
66. All roofs shall be constructed of fire retardant materials as per the Uniform Building code for Class A and B type roofs.
67. All access roads shall be a minimum of 20 feet in width to accommodate fire apparatus.
68. Overhead clearance shall be a minimum of 13 feet 6 inches.
69. No grade shall exceed 15% unless approved by the chief of the Salinas Rural Fire District.
70. All bridges shall be capable of supporting 25 tons.
71. All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turn-around of fire apparatus.
72. Access roads shall be of an all-weather driving surface capable of supporting the imposed loads of fire apparatus.

- OK
Correspondence
San Fire Dept.
- WHERE IS
N/A
7-7-15
PHOTOS
73. That the subdivider dedicate a fire access easement between lots 279 and 280 and construct a graded base rock access to Jack Peak Park adequate for emergency vehicle access subject to the approval of the fire protection agency having jurisdiction and the public works department. The improvements shall include a crash gate and fencing as needed to secure the easement subject to the approval of the Public Works Department.

- call CALTRANS - MIKE DO -
74. That a park and ride lot with a capacity for 20 cars and transit access be designed and constructed near the highway 68/highway 218 intersection as part of the relocation of Monterra Ranch Road to align with the highway 218 intersection. *encroachment permit? own or control property*

75. That the developer record a notice that the cost of water service for the inclusionary units not exceed the cost of water equivalent to that of California-American Water Company. The notice is subject to the approval of the Director of Planning.

76. That the developer request in writing a "No Hunting Ordinance" for the overall project. The request shall be made prior to the filing of final map for the first phase.

- Reviewed
Doc.
Rec'd 2851
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Date 9-29-1992
77. Based upon the subdivider's representations that the proposed subdivision has its own adequate water supply, and the limited availability of water in the Monterey

Peninsula and in the vicinity of the proposed subdivision now and in the future, Monterra Ranch Subdivision, its heirs, assigns, and successors in interest, agrees that no part of the subdivision will, at any time, obtain, utilize, or rely upon water allocated to Monterey County by the Monterey Peninsula Water Management District or other similar or successor district, or made available through the construction of a dam subsequent to the approval of this subdivision. An agreement to this effect shall be entered into between the subdivider and the County of Monterey and recorded prior to recordation of the final map of the first phase.

78. That the developer shall annex the subdivision to the appropriate Fire District as deemed appropriate by the Board of Supervisors prior to the filing of the final map for the first phase.

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

- ✓ 80. If the public utility operating the water system in the project fails to properly maintain, repair or operate the water system in the project, after notice from the County, the County of Monterey shall have the right to enter the property, perform the repairs, maintenance or improvements that are necessary, and shall have the right to charge and collect from the public utility for the cost of said maintenance, repairs or up-dated costs. An agreement to this effect between the developer and the County shall be entered into concurrent with the filing of the final map of the first phase of the subdivision.

81. That a bond in the amount of \$25,000 be submitted to the County to guarantee the maintenance of the drainage, flood control system and water supply system for the subdivision. The bond shall remain in force one year after the completion of improvements of the fourth phase of the

subdivision. The bond shall be approved by the County Surveyor and the Monterey County Flood Control and Water Conservation District.

