

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05019

A.P. #418-401-029-000,  
418-401-030-000,  
and 418-401-031-000

**FINDINGS AND DECISION**

In the matter of the application of **Hidden Canyon Quarry (San Benito Supply), PLN010239**

For a Use Permit and Reclamation Plan to allow establishment and operation of a hillside hardrock and sand and gravel aggregate quarry with an associated on-site rock processing plant that reduces the size of mined rock to construction materials specifications. The Project does not include a concrete batch plant or asphalt batch plant. The operation will be located on approximately 197 acres of the 425-acre property. Maximum annual production is 300,000 tons of aggregate. The project is located at 1.7 miles northwest of the intersection of Metz Road and Elm Avenue, in the vicinity of Greenfield. Quarry. The project came on regularly for hearing before the Planning Commission on March 30, 2005.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. FINDING: CONSISTENCY - The Project, as conditioned to include blasting, is consistent with applicable plans and policies of the Monterey County General Plan and Central Salinas Valley Area Plan and Title 21, Zoning Ordinance Chapters 21.30 and 21.34, and with the Monterey County General Plan which designates the property as "Farmlands, 40 acre minimum," and "Permanent Grazing, 40 acre minimum."
- EVIDENCE:
- (a) County staff has reviewed the project as contained in the application and accompanying materials for consistency with the General Plan and Central Salinas Valley Area Plan. Staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent with the General Plan and Central Salinas Valley Area Plan.
  - (b) The Project planner and the Planning Commission conducted on-site inspections to verify that the project on the subject parcel conforms to the plans listed above.
  - (c) The property is zoned "PG/40" according to the Monterey County Zoning Ordinance. The project is in compliance with Site Development Standards for the "PG" Districts, in accordance with Sections 21.30.060, 21.34.060, and Chapter 21.62. Mining is a permitted use with a use permit in the PG/40 zoning district.
  - (d) The mining operation, including blasting, and the proposed appurtenant uses and reclamation are uses allowed subject to obtaining a Use Permit, in accordance with Sections 21.30.050.L and 21.34.050.Y. These sections allow the 'Removal of Minerals'. See, e.g., Staff Report for March 9, 2005 Planning Commission Hearing regarding the County's authority to approve mining, including blasting activities, within PG/40 zones, with a Use Permit.
  - (e) The project is not within the jurisdiction of a Land Use Advisory Committee.
  - (f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development can be found in Project File PLN010239.
  - (g) General Plan Policy 2.3.2 states "Mining Operators shall be required to furnish the County with all information needed to make an environmental assessment of the proposed mineral extraction operation." The applicant has submitted all of the information requested by County staff, as demonstrated in Evidence item b for Finding 2, below.

2. FINDING: SITE SUITABILITY - The site is suitable for the use proposed.
- EVIDENCE: (a) The project has been reviewed for suitability by Monterey County Planning and Building Inspection, Monterey County Public Works, Monterey County Water Resources Agency, Monterey County Environmental Health, the California Department of Fish and Game, and the Central Salinas Valley Fire District. Recommended conditions have been incorporated.
- (b) Technical reports submitted by the applicant's consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed. The consultant reports have been reviewed by County staff and appropriate reviewing agencies. The following reports were submitted by the applicant with the application, or subsequently submitted, and reviewed by the County's consultants:
- “Hidden Canyon Quarry Operation Plan” prepared by Resource Design Technology, Inc., August 2002.
  - “Hidden Canyon Quarry Reclamation Plan” prepared by Resource Design Technology, Inc., August 2002.
  - “Hidden Canyon Quarry Environmental Assessment” prepared by Resource Design Technology, Inc., August 2002.
  - “Preliminary Archaeological Reconnaissance for the Proposed Greenfield Quarry Site on APN 418-040-004 and -015 Near Greenfield, Monterey County, California” prepared by Archaeological Consulting, September 4, 2001.
  - “Greenfield Property Biological Inventory” prepared by Rincon Consultants, Inc., April 2002.
  - “San Benito Supply Greenfield Quarry Traffic Analysis Report, Monterey County, California” prepared by Higgins Associates, March 21, 2002.
  - “Hidden Canyon Quarry Criteria Pollutant Emissions Estimate” prepared by Resource Design Technology, Inc., August 2002.
  - “Final Report: Analysis of Health Risks From Proposed Mining and Aggregate Operation, Greenfield, California” prepared by Air Permitting Specialists, August 15, 2002.
  - “Analysis of Health Risks From Proposed Aggregate Mining Operation, Greenfield, California” prepared by Air Permitting Specialists, July 16, 2002.
  - “Environmental Noise Assessment: Greenfield Quarry Project Monterey County, California” prepared by Bollard and Brennan, Inc., November 2, 2001.
  - “Pavement Evaluation Study, Maintenance and Rehabilitation Strategy for San Benito Supply Quarry, Monterey County, California” prepared by Kleinfelder, May 10, 2002.
- Reports are in Project File PLN010239.
- (c) Comments received from the public and from public agencies have been considered and do not conflict with the County's finding that the site is suitable for the project.
- (d) The Initial Study prepared by Monterey County, Planning and Building Inspection Department, signed by Patrick Kelly, AICP, Senior Planner, dated November 26, 2003, as well as all staff reports indicate that there are no physical or environmental constraints that render the site unsuitable for the use proposed.
- (e) Staff conducted on-site visits on February 20, 2003, March 28, 2003, and October 7, 2004, and the Planning Commission conducted an on-site visit on February 3, 2003 to verify that the site is suitable for this use.
- (f) Three public hearings (December 8, 2004, February 9, 2005, and March 9, 2005) have been held to verify that the site is suitable for the proposed use.
- (g) Necessary public facilities will be provided.
- (h) The application, plans, and support materials submitted by the Project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, are found in Project File PLN010239.

3. FINDING: NO SIGNIFICANT ADVERSE IMPACTS – The proposed Project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration and Initial Study have been prepared and are on file (File PLN010239) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached to the February 9, 2005 Staff Report as Exhibit D and is incorporated herein by reference as modified by the March 9, 2005 Planning Commission hearing. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 First Avenue, Marina, is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigation Negative Declaration is based.

- EVIDENCE:
- (a) The application, plans, and support materials submitted by the Project Applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.
  - (b) County staff prepared an Initial Study for the Project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that any potential significant environmental impacts of the Project could be avoided or mitigated to a less than significant level. A Mitigated Negative Declaration was filed with the County Clerk and the State Clearinghouse on November 27, 2003. It was also sent directly to the California State Department of Conservation, and the California State Department of Fish and Game for comments and was also noticed for public review. Among the evidence that has been received and considered is: All public comments on the Project, including comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during three public hearings (December 8, 2004, February 9, 2005, and March 9, 2005); staff reports that reflect the County’s independent judgment and analysis regarding the above referenced studies, data and reports; application materials, information obtained during site visits conducted by staff and the Planning Commission itself, and expert testimony. Among the studies, data, observations, testimony, and reports analyzed as part of the environmental determination are the following:
    - 1. Project Application/Plans
    - 2. “Hidden Canyon Quarry Operation Plan” prepared by Resource Design Technology, Inc., August 2002.
    - 3. “Hidden Canyon Quarry Reclamation Plan” prepared by Resource Design Technology, Inc., August 2002.
    - 4. “Hidden Canyon Quarry Environmental Assessment” prepared by Resource Design Technology, Inc., August 2002.
    - 5. “Preliminary Archaeological Reconnaissance for the Proposed Greenfield Quarry Site on APN 418-040-004 and –015 Near Greenfield, Monterey County, California” prepared by Archaeological Consulting, September 4, 2001.
    - 6. “Greenfield Property Biological Inventory” prepared by Rincon Consultants, Inc., April 2002.

7. "San Benito Supply Greenfield Quarry Traffic Analysis Report, Monterey County, California" prepared by Higgins Associates, March 21, 2002.
  8. "Hidden Canyon Quarry Criteria Pollutant Emissions Estimate" prepared by Resource Design Technology, Inc., August 2002.
  9. "Final Report: Analysis of Health Risks From Proposed Mining and Aggregate Operation, Greenfield, California" prepared by Air Permitting Specialists, August 15, 2002.
  10. "Analysis of Health Risks From Proposed Aggregate Mining Operation, Greenfield, California" prepared by Air Permitting Specialists, July 16, 2002.
  11. "Environmental Noise Assessment: Greenfield Quarry Project Monterey County, California" prepared by Bollard and Brennan, Inc., November 2, 2001.
  12. "Pavement Evaluation Study, Maintenance and Rehabilitation Strategy for San Benito Supply Quarry, Monterey County, California" prepared by Kleinfelder, May 10, 2002.
  13. Comments received from the public and from public agencies.
  14. Site visits conducted by staff on February 20, 2003, March 28, 2003, and October 7, 2004.
  15. A site visit conducted by the Planning Commission on February 3, 2003.
  16. Testimony and written materials provided at three public hearings (December 8, 2004, February 9, 2005, and March 5, 2005).
- (c) The conditions set forth in the Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, are designed to ensure compliance during project implementation, and are incorporated by reference herein.
- (d) Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigated Negative Declaration for the Project.
- (d) No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted supporting a fair argument that the project may result in significant impacts to the environment. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports. As set forth in full in the record as a whole, arguments that the project might result in significant impacts to the environment were found not to be supported by substantial evidence or were addressed through minor clarifications or by the replacement of mitigation measures with equal or more effective measures. A non-inclusive list of responses to key issues raised at the February 9, 2005 Planning Commission hearing are as follows:
1. Concerns regarding overburden were based on inaccurate assumptions. The air quality impacts from overburden, waste and fines generation will not exceed the MBUAPCD's air quality NOX and PM10 threshold standards. As set forth in the Initial Study's Project Description (at Page 2), surplus overburden and fines will be sold. The material is thus marketable and not stockpiled as waste rock, as at some mining operations. Air emissions are therefore accommodated with the data for material production, transport, and stationary equipment. The designated stockpile at the site is for topsoil overburden that will be used for reclamation purposes. The Initial Study (at Page 24; Figure 4) also quantifies the acreage and location of the overburden stockpile location. Regarding NOX impacts of overburden, waste and fines, Table 3.3-1 on page 25 of the Initial Study quantifies on-site heavy duty vehicles' NOX impacts. This on-site heavy duty vehicles would be used to stockpile materials. Regarding PM10 impacts, Table 3.3-1 on page 25 of the Initial Study also quantifies the PM10 contributions of stationary sources, which includes wind erosion

- impacts from stockpiles. The Project's Reclamation Plan and Conditions of Approval (Conditions 6) require seeding of stockpiles.
2. The air quality technical studies and the Initial Study demonstrate that the project's impacts on PM10 and other air pollutants fall below the MBUAPCD's CEQA significance thresholds.
  3. The use of a diesel generator will be limited as follows: The Operator may use a diesel generator for construction activities until all certificates of occupancy are issued, or one year after the County's issuance of a building permit, whichever occurs first. If at the conclusion of one year, PG&E has not yet provided electrical power, the MBUAPCD may authorize the diesel generator's continued use, based upon review of emissions inventory submitted with the Authority to Construct and Permit to Operation permit applications, upon making the finding that project emissions would not exceed the MBUAPCD's daily thresholds.
  4. As set forth in the Staff Report for the March 9, 2005 hearing: (a) the project's air traffic analysis assumed appropriate Passenger Car Equivalents per the 2000 Highway Capacity Manual (2000 HCM) ; (b) the air traffic analysis appropriately relied upon average daily truck loads given that the project's primary purpose is to provide steady and consistent product for two off-site, existing batch plants; (c) even assuming worst case peak daily truck loads (a 35% increase over average), significant impacts on LOS would not occur; (d) the Monterey County Department of Public Works' January 28, 2005 report of annual average daily traffic counts indicates no change from the outcome of the traffic counts used for the traffic analyses; (e) although individual or "retail" purchases of material at the quarry are not the Project's focus, the Initial Study nonetheless took into account the traffic associated with such purchases; (f) based on the existing plus Project traffic conditions, the existing safeguards, and ongoing education of drivers, the Project's impact to the rail road crossing will not cause a significant impact to traffic safety at the Elm Street and Metz Road intersection; (g) "narrow winding" roads do not present a safety concern as the roads used by Project related traffic includes only rolling terrain with relatively gentle curves and no long, steep grades and the conditions of approval require acceleration and deceleration lanes as necessary to ensure adequate traffic safety; (h) the stopping sight distance will not present a significant traffic safety issue given the imposition of mitigation measures (such as the removal of any obstacles to sight lines and the addition of acceleration and deceleration lanes) through the Encroachment Permit process to meet the County's standards for such encroachments; and (i) the amount of traffic impacts fees will be paid based on the fair share requirements set forth in the City's traffic fee ordinance formulas.
  5. Because the property is currently marginal grazing land that has never been used for intensive agriculture, and will be reclaimed for agricultural uses, the Project does not have the potential to significantly affect agricultural resources.
  6. The County Code does not require that the Project site be rezoned from Farmland to Heavy Industrial to accommodate the occasional blasting associated with the Project. Both Farmland and Heavy Industrial Zones permit mining when a Use Permit has been obtained. Monterey County Code ch. 21.30.050.L; 21.28.060.O. Although Heavy Industrial Zones expressly permit the manufacture of explosives "which might be objectionable by reason of the production or emission of noise, offensive odor, smoke, dust, bright lights, [and] vibration ..." Monterey County Code ch. 21.28.060.K, this does not mean that the County Code absolutely prohibits the use of explosives in Farmland Zones. In fact, the County's ordinances pertaining to Farmland Zones do not address blasting at all. See Monterey County Code ch. 21.30. Moreover, chapter 21.28.060.K of the County Code speaks only to the manufacture of explosives and as a result has no relevance to their use within a Heavy Industrial

Zone or any other zone.

In fact, the County encourages mining within its boundaries by making it a county objective to "[p]rotect potentially significant mineral deposits and mining operations from encroachment by incompatible land uses, in accordance with established land use priorities." Monterey County General Plan 2.1. To this end, it is the County's policy to designate land use categories that would not preclude the extraction of minerals. Monterey County General Plan 2.1.2; 2.2.2. Because the County encourages the extraction of minerals, and blasting is a necessary component of aggregate mining, it would be nonsensical for the County to impose an absolute prohibition on blasting.

Furthermore, the County has enacted a specific process to consider whether blasting, along with other particulars of the Project, would be an appropriate activity at Hidden Canyon Quarry and this process does not require a zoning change to Heavy Industrial. See Monterey County Code ch. 16.04.030. San Benito Supply must obtain a Use Permit from the County and must disclose the details of its proposed plans in its permit application. Id.; Monterey County Code ch. 21.74.040. The County's review of the permit application provides the County the opportunity to consider the specifics of San Benito Supply's proposal to conduct blasting along with its permit application and to fully evaluate whether the use is appropriate. See Monterey County Code ch. 21.74.010. Thus, the Use Permit process, rather than compliance with the requirements of any particular zone, is the method the County Code has designated for reviewing mining activities that include blasting.

(e) In response to comments changes to mitigation measures have been made after the Initial Study circulation. These changes, along with mitigations removed from the Initial Study by the County's Environmental Health Division because they were not required to reduce the Project's impact to a level of less-than-significance, do not require the recirculation of the Initial Study because they are within the scope of §15073.5 (1) of the CEQA guidelines. The changes replace the prior mitigation measures with equal or more effective measures.

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

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

5. **FINDING:** The Project, as conditioned, is consistent with the provisions of the County's surface mining ordinance.

**EVIDENCE:** (a) Chapter 16.04 of the Monterey County Code, Surface Mining and Reclamation, establishes regulations for mining operations and reclamation. County staff reviewed the requirements of the ordinance and determined that the Project complies with the requirements.

(b) The application, plans, and support materials submitted by the Project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010239.

6. **FINDING:** The Project complies with the provisions of SMARA and State regulations, as those provisions may be amended from time to time.

- EVIDENCE:** (a) SMARA, Public Resources Code Sections 2710 et seq., establishes certain state authority to review mining reclamation. County staff reviewed the requirements of the law and determined that the Project complies with the requirements.
- (b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010239.

7. **FINDING:** The Reclamation Plan complies with SMARA Sections 2772 and 2773, as may be amended from time to time, and any other applicable provisions.

- EVIDENCE:** (a) These SMARA sections establish content requirements relating to reclamation plans. County staff reviewed the requirements of the law and determined that the Project complies with the requirements.
- (b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010239.
- (c) The Mining and Reclamation Plan has been reviewed by the Planning and Building Inspection Department and the State Department of Conservation. County staff performed site inspections to verify existing conditions and to evaluate the adequacy of the Mining and Reclamation Plan. The Department of Conservation conducted a site visit and submitted comments on the proposed mining and reclamation plan. All comments by the State have been adequately addressed and/or incorporated into the Plan.

8. **FINDING:** The Reclamation Plan complies with applicable requirements of State regulations (CCR Sections 3500-3505, and Sections 3700-3713).

- EVIDENCE:** (a) These State regulation sections establish standards for reclamation plan content, financial assurances, and reclamation performance standards. County staff reviewed the requirements of the law and determined that the Project complies with the requirements.
- (b) See evidence for Finding 9.

9. **FINDING:** The Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with Monterey County Code Chapter 16.04 and the Monterey County General Plan and any applicable resource plan or element.

- EVIDENCE:** (a) County staff reviewed Chapter 16.04, which establishes standards and procedures for submittal and processing of applications for surface mining operations. County staff reviewed the requirements of Chapter 16.04 and determined that the Project complies with the requirements.
- (b) See evidence for Finding 1.
- (c) The project is consistent with the General Plan and Central Salinas Valley Area Plan, as described in the evidence for Finding 1, above. The General Plan designates the site for agricultural and open space uses, which is the proposed end use.

10. **FINDING:** The Reclamation Plan has been reviewed pursuant to CEQA and the Monterey County CEQA Guidelines, and there is no substantial evidence supporting a fair argument that the reclamation of the surface mining operations may result in a significant impact.

- EVIDENCE:** (a) See evidence for Finding 3 above.

11. **FINDING:** The land and/or resources to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or suitable off-site mitigation will compensate for related disturbance to resource values.

- EVIDENCE:** (a) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010239.

- (b) Initial Study prepared by County staff and signed November 26, 2003.
- (c) Public comments, including but not limited to the comment letters in Planning file # PLN010239.
- (d) All staff reports.

12. **FINDING:** The Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for appropriate land uses consistent with the General Plan and applicable resource plan.

- EVIDENCE:**
- (a) The proposed end use of the site is open space, including grazing and agricultural use. Current and foreseeable land use for this area includes agricultural and open space uses.
  - (b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010239.
  - (c) Monterey County General Plan (1982) and proposed Draft General Plan (2003).

13. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the use or structure 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 of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

- EVIDENCE:**
- (a) Preceding findings and supporting evidence.
  - (b) Initial Study prepared by County staff and signed November 2003.

14. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on wildlife resources upon which the wildlife depends; however, these impacts have been mitigated to below the level of significance.

- EVIDENCE:**
- (a) Staff analysis contained in the Initial Study and the record as a whole indicates 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 project will not have a significant adverse environmental impact due to project design, operating protocols and mitigation measures contained in the Mitigated Negative Declaration and in the Conditions of Approval.
  - (b) Initial Study, Biological Resources. All potential impacts have been reduced to a less than significant level.
  - (c) California Department of Fish and Game letters dated August 19, 2004 and August 25, 2004.

15. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

- EVIDENCE:** Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

### DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 30th day of March, 2005 by the following vote:

AYES: Errea, Padilla, Wilmot, Diehl, Rochester, Parsons, Hawkins, Salazar  
 NOES: Vandever  
 ABSENT: Sanchez

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DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

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

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

#### NOTES

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

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

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

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

<u>Planning and Building Inspection Department</u> <u>Condition Compliance &amp; Mitigation Monitoring and/or Reporting Plan</u>	Project Name: <b><i>Hidden Canyon Quarry ( San Benito Supply)</i></b> <b><i>File No:</i></b> PLN010239 <b><i>APNs:</i></b> 418-401-029; 418-401-030; 418-401-031 <b><i>Approval by:</i></b> Planning Commission <b><i>Date:</i></b> <u>March 30, 2005</u>
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\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificatio n of Complianc e (name/date )</i>
1.		<p><b>SPECIFIC USES ONLY:</b> This permit allows the extraction, limited processing (i.e., no asphaltic or concrete batch plants), and sale of up to 300,000 tons of aggregates annually for a period of 20 years on 197 acres within Assessor’s Parcel Numbers 418-401-029, 418-401-030, and 418-401-031 in accordance with County ordinances and land use regulations subject to the following terms and conditions. The approval also allows construction and operation of an administration building and an unpaved area as described in the Operations Plan.</p> <p>Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit, except those conditions requiring future compliance only, are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificatio n of Complianc e (name/date )</i>
<b>PLANNING &amp; BUILDING INSPECTION DEPARTMENT CONDITIONS</b>						
2.		<b>PERMIT APPROVAL NOTICE:</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 418-401-029, 418-401-030, and 418-401-031 on March 9, 2005. The permit was granted subject to a total of 82 conditions of approval that includes 42 mitigation measures based on CEQA review 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. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		<b>INDEMNIFICATION NOTICE:</b> The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, and Public Resources Code Section 21167, as applicable. The property owner will reimburse the county for any court costs and attorney's	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map,	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificatio n of Complianc e (name/date )</i>
		fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, or filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(Planning and Building Inspection)</b>			which-ever occurs first and as applicable	
4.		<b>MITIGATION MONITORING AND REPORTING PLAN:</b> The applicant shall enter into an agreement with the County to implement this Mitigation Monitoring and/or Reporting Plan in accordance with Section 21086 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(Planning and Building Inspection)</b>	<ol style="list-style-type: none"> <li>1) Enter into agreement with the County to implement this Mitigation Monitoring and Reporting Plan.</li> <li>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</li> </ol>	Owner/ Applicant	Prior to issuance of grading and building permits.	

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5.		<p><b>ANNUAL MITIGATION REPORTS:</b> The Operator shall submit a report to the Monterey County Planning and Building Inspection Department annually. This report shall contain sufficient information to allow County staff to evaluate and monitor mitigation measure implementation and to conduct the annual site inspection and Financial Assurance review as required under SMARA. The report shall include, but not be limited to, the following information:</p> <p>a. All mining and reclamation activities completed in the prior twelve months and proposed for the following twelve months.</p> <p>b. An updated site plan shall be submitted, indicating the location and size of disturbed and reclaimed areas.</p> <p>c. Financial Assurance Estimates (FAE) to cover cost of reclamation if operations were to cease within the subsequent 12 months. FAE shall include documentation of methods to be used. <b>(Planning and Building Inspection)</b></p>	The reports shall be evaluated and mitigations monitored by the various consultants whose expertise relates to the various mitigations, and shall be submitted to the P&BI Department for final review and field inspection.	Owner/ Applicant	Operator shall submit report to P&BI Dept. annually	
6.		<p><b>MINING AND RECLAMATION PLAN COMPLIANCE:</b> All aspects of the operation shall be conducted in compliance with the approved Mining and Reclamation Plan and other applicable requirements of the State Surface Mining and Reclamation Act (SMARA) and conditions of this permit and shall be conducted only within the boundaries indicated in the approved Mining and Reclamation Plan. <b>(Planning and Building Inspection)</b></p>	By entering into the Mitigation Monitoring Program agreement and providing annual mitigation reports (items #4 and #5 above), the applicant shall be subject to County and State agency monitoring of all aspects of the operations as described in this Planning Commission Resolution.	Owner/ Applicant	Prior to issuance of grading and building permits.	

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7.		<b>PERMIT TIME PERIOD:</b> The permit shall be granted for a time period of 20 years, to expire on March 9, 2025. <b>(Planning and Building Inspection)</b>	All necessary information relating to reclamation measures shall be submitted the Director of P&BI for final inspection.	Owner/ Applicant	March 9, 2025	
8.		<b>HOURS OF OPERATION:</b> Hours of operation for actual mining operations and retail sales [retail sales are ancillary to the mining operations and shall be confined to materials generated at the site] shall be restricted to the hours between 6:00 AM and 7:00 PM during a 6 day work week. Additional hours shall be allowed for loading trucks from on-site stockpiles and transporting materials off-site to replenish reserves at off-site batch plants and for special construction projects requiring night and/or early morning work to minimize the construction projects' traffic impacts. <b>(Planning and Building Inspection)</b>	None. The P&BI Department shall respond to neighborhood complaints.	Owner/ Applicant	Ongoing	
9.		<b>GRADING-WINTER RESTRICTION:</b> No land clearing or grading for infrastructure, roads, and structure pads shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	P&BI Department authorization for the mining operations during October 15 and April 15 of each year are subject to review of the effectiveness of erosion control and reclamation measures put in place as part of the reclamation plan.	Owner/ Applicant	Ongoing	
10.		<b>GRADING PERMIT:</b> A Grading Permit shall be required for all off-site grading, the site ingress/egress road and for permanently constructed facilities, pursuant to the Monterey County Code relative to Grading, Chapter 16.08. <b>(Planning and Building Inspection)</b>	Submit Grading Plans to the building and grading divisions of the P&BI Department.	Owner/ Applicant	Prior to commencement of any grading	

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11.		<b>OTHER AGENCY PERMITS:</b> Copies of all permits from other agencies shall be submitted to the Planning and Building Inspection Department. <b>(Planning and Building Inspection)</b>	Provide the other agency permits along with the annual mitigation reports described in condition #5 above to the Director of P&BI for review.	Owner/ Applicant	Ongoing	
12.		<b>RECLAMATION PLAN RESPONSIBILITY:</b> The Operator shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning and Building Inspection Department in the mining operation's permanent record. <b>(Planning and Building Inspection)</b>	Submit statement to the Director of P&BI Department.	Owner/ Applicant	Prior to issuance of grading and building permits.	

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13.		<b>STOP WORK – RESOURCES FOUND:</b> If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until 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. If the find is determined to be a unique archaeological resource, work shall not resume until implementation of avoidance measures and/or mitigation can be put in place. Work can continue on other parts of the site while resource mitigation takes place. Any uncovered site shall be shown as a note on all grading and building permit plans. <b>(Planning and Building Inspection)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	
14.		<b>RECLAMATION ASSURANCE:</b> To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, financial assurances are required as provided herein. At least 45 days prior to commencing mining activities and thereafter on an annual basis (by October 1), the operator shall submit a reclamation cost estimate and financial assurances to the Planning and Building Inspection Department, who shall submit the financial assurances to the State Department of Conservation for review. Financial assurances shall	<ol style="list-style-type: none"> <li>1. Submit reclamation plans along with reclamation cost estimate to PBI for review and approval.</li> <li>2. Upon approval of the reclamation estimate by the Director of the Planning and Building Inspection Department, the Operator shall provide financial assurance, in the form of a surety bond,</li> </ol>	Owner/ Applicant	45 days prior to start of mining operation and thereafter on an annual basis by	

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		<p>comply with this condition, Monterey County Code Chapter 16.04, including but not limited to MCC Section 16.04.080.C, and the Surface Mining and Reclamation Act (California Public Resources Code, Section 2710 et seq., as may be periodically amended.)</p> <p>Cost estimates for the financial assurance shall be submitted to the Planning and Building Inspection Department for review and approval at least 45 days prior to the operator securing financial assurances. Cost estimates must be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director of the Planning and Building Inspection Department. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan, shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. The estimate shall be based on local equipment and labor rates and shall include all standard reclamation tasks and contingency costs recommended by the California Department of Conservation. A contingency factor of ten percent (10%) shall be added</p>	<p>certificate of deposit or other suitable mechanism, to the County prior to initial commencement of operations.</p>		<p>October 1 of each year.</p>	

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		<p>to the cost of financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next one-year period, including any required interim reclamation. The amount of the financial assurance shall be equal to the cost of completing the remaining reclamation of the site as prescribed in the approved or amended Reclamation Plan during the succeeding one-year period. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.</p> <p>Operator shall provide the financial assurance to the County in a form and manner acceptable to the County and State Department of Conservation under Pub. Res. Code Section 2773.1 and which County reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's</p>				

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		<p>approved Reclamation Plan and the requirements herein specified, such as a surety bond executed by an admitted surety insurer, irrevocable letter of credit from an accredited financial institution, or certificate of deposit. Security shall meet the requirements set forth in Section 16.04.080.C of the Monterey County Code and in Pub. Res. Code Section 2773.1. The security shall be conditioned upon the faithful performance of the Reclamation Plan, and as specified in State regulations. Financial assurances shall be made payable to the County of Monterey and the State Department of Conservation, as provided in Public Resources Code, Section 2773.1(a)(4), as may be periodically amended. The form of said financial assurance shall include a provision allowing the County and the State Mining and Geology Board to require forfeiture of the financial assurances and to use the proceeds from the forfeited financial assurances to conduct and complete reclamation in accordance with the approved reclamation plan upon a determination by the County or the State Mining and Geology Board that the operator is financially incapable of performing reclamation in accordance with its approved reclamation plan or has abandoned its surface mining operation without commencing reclamation., in accordance with the Public Resources Code section 2773.1(b) as periodically amended.</p> <p>Such financial assurance shall be filed annually with the Director of the Planning and Building Inspection Department. Revisions to financial assurances shall be submitted to the Planning and Building Inspection</p>				

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		<p>Department each year prior to the anniversary date for approval of the financial assurances. If the mining operation is sold, or ownership is otherwise transferred, the Operator's financial assurance must remain in effect until the County has approved, after review by the State Department of Conservation, the replacement assurances.</p> <p>Operator shall maintain financial assurances in effect for the duration of the permit and any additional period required until the Director of the Planning and Building Inspection Department determines that the site is fully reclaimed (including any maintenance required). The financial assurances shall not be released until the County determines that the site has been reclaimed, per the established reclamation standards, and revegetation is determined to be self sustaining. <b>(Planning and Building Inspection)</b></p>				
15.		<p><b>MODIFIED OPERATIONS PLAN:</b> The Operations Plan shall be modified to reflect the changes required by the conditions of approval and mitigation measures. All modifications shall be clearly identified and reference the source for the change. <b>(Planning and Building Inspection)</b></p>	Six copies of the modified Operations Plan shall be submitted to the Director of P& BI Department	Owner/ Applicant	Ongoing	

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16.		<b>ANNUAL OPERATION INSPECTIONS:</b> The operator shall by November 1 <sup>st</sup> allow annual inspections of the mining operation by the Planning and Building Inspection Department during the duration of the permit as required by the State Surface Mining and Reclamation Act. The operator shall reimburse or pay to the County the full cost of the inspection services, including related administrative costs required pursuant to the Act. <b>(Planning and Building Inspection)</b>	As part of the annual submittal of the Mitigation Report and Reclamation Fee Estimate described in items #5 and #14 above, the P&BI Department will conduct the inspection of the mining operation.	Owner/ Applicant/ P&BI Dept.	Upon submittal of the annual Mitigation Report and Reclamation Fee Estimate	
17.		<b>UPON SALE OR TRANSFER OF OPERATION:</b> Upon the sale or transfer of the operation, the new operator shall record a Notice stating that “The operator shall accept responsibility for operating and reclaiming the mined lands in accordance with the approved Reclamation Plan and shall operate the surface mining activity within the limits and according to the conditions of the Use Permit and Reclamation Plan.” <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	

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18.		<b>INTERIM MANAGEMENT PLAN DURING IDLE PERIODS:</b> Within 90 days of the mining operation becoming “idle” (to curtail surface mining operations for a period of one year or more, by more than 90% of the operation’s previous maximum annual mineral production, with the intent to resume mining operations at a future date), the operator shall submit to the Planning and Building Inspection Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA and shall provide measures the operator will implement to maintain the site in a stable condition taking into consideration public health and safety. The IMP shall be subject to the review and approval by the Monterey County Planning Commission. <b>(Planning and Building Inspection)</b>	Submit to the Planning and Building Inspection Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA and shall provide measures the operator will implement to maintain the site in a stable condition taking into consideration public health and safety. The IMP shall be subject to the review and approval by the Monterey County Planning Commission.	Owner/ Applicant	Prior to issuance of grading and building permits	

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19.		<p><b>VEHICLE EMISSIONS:</b> The Project Applicant shall use only heavy-duty off road equipment (such as bulldozers) that meets applicable State 2003 off-road equipment emissions standards. The purpose of this condition is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the Project reduces combustion emissions to the extent feasible.. Prior to the start of operations, the Project Applicant shall submit a list to the MBUAPCD of all equipment to be used in the Project. Documentation of vehicle(s) retrofitted to 2003 standards or better shall be submitted to the MBUAPCD before the retrofitted vehicle(s) is put into operation.</p> <p><b>(Planning and Building Inspection)</b></p>	<p>Prior to the start of operations, the Project Applicant shall submit a list to the MBUAPCD of all vehicles to be used in the Project. Documentation of vehicle(s) retrofitted to 2003 standards or better shall be submitted to the MBUAPCD before the retrofitted vehicle(s) is put into operation. MBUAPCD shall review the list of vehicles submitted by the Project Applicant prior to the start of operations and before any retrofitted vehicle(s) is in operation, and shall advise the Project Applicant within five working days of its approval or disapproval of the list(2) submitted</p>	Project Applicant and Owner	<p>Prior to the start of operations and before retrofitted vehicle(s) is put into operation, as specified in “Compliance or Monitoring Actions to be performed”, specified herein.</p>	<p>Verification to be provided by MBUAPCD, in accordance with “Compliance or Monitoring Actions to be performed”, specified herein.</p>

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20.		<p><b>VEHICLE MAINTENANCE:</b> All vehicles shall be maintained in accordance with the manufacturers' recommendations, and all stationary equipment maintained in compliance with permit requirements, as specified by the MBUAPCD. The purpose of this condition is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the Project reduces combustion emissions to the extent feasible. The Project Applicant shall maintain records of equipment maintenance and submit certification of compliance in writing to the MBUAPCD annually. Records shall be maintained for five years and provided to the MBUAPCD upon request. <b>(Planning and Building Inspection)</b></p>	<p>Information shall be provided by the Project Applicant, in accord with the requirements specified in <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department, herein.</i></p>	<p>Project Applicant and Owner</p>	<p>The Project Applicant shall maintain records of equipment maintenance and submit certification of compliance in writing to the MBUAPCD annually. Records shall be maintained for five years and provided to the MBUAPCD upon request.</p>	<p>The Project Applicant shall maintain records of equipment maintenance and submit certification of compliance in writing to the MBUAPCD annually. Records shall be maintained for five years and provided to the MBUAPCD upon request.</p>

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21.		<b>BURN PERMIT:</b> The Operator shall not use open burning as a means of reducing vegetation prior to mining, unless a Burn Permit is obtained from the Monterey Bay Unified Air Pollution Control District. <b>(Planning and Building Inspection)</b>	Provide copy of Burn Permit to the Director of P&BI Department	Owner/ Applicant	Ongoing	
22.		<b>OMIT CONTAMINATION THROUGH MAINTENANCE:</b> Project site equipment and servicing materials shall be maintained in a neat and orderly manner to aid in accounting for and detecting potential sources of contamination. Non-functional equipment, scrap metal, construction debris (other than material intended for use in the recycling plant), used batteries and tires, and similar objects shall be removed from the site on a regular basis and disposed of at appropriately licensed facilities. Spare equipment such as heavy equipment parts, conveyor belts, tires and other replacement or extra equipment pieces, shall be stored indoors when practicable to avoid surface water contamination. Spare parts containing petroleum products (i.e., lubricants, hydraulic oil, etc.) shall be stored using Best Management Practices (BMP's) to prevent contamination of soil or storm water runoff. Storage areas shall be inspected by the Operator monthly. Any petroleum leaks shall be documented and cleaned up. Leaking equipment shall be repaired. <b>(Planning and Building Inspection)</b>	Verification of maintenance measures will be a part of the annual mining inspections conducted by the P&BI Department as described in item #16 above.	Owner/ Applicant	Inspection and monitoring documentation shall be retained for a minimum of five years and be available to County staff during site inspections.	

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23.		<p><b>UPON PREMATURE CLOSURE OF QUARRY:</b> In the event of a premature closing of the quarry, the appropriate reclamation standard shall be that proposed for final reclamation at the termination of mining. This includes reclaiming all disturbed slopes to a 2H:1V maximum slope as depicted in the Reclamation Plan at Section 4.2.1 and revegetation of all disturbed areas per the performance standards required under the approved Reclamation Plan and under all Conditions of Approval pertaining to revegetation. The Operator shall be responsible for performing reclamation work. In accordance with California Public Resources Code section 2773.1(b) as may be periodically amended, if the County or the State Mining and Geology Board, following a public hearing, determines that the Operator is financially incapable of performing reclamation in accordance with its approved reclamation plan, or has abandoned its surface mining operation without commencing the required reclamation, the County or the State Mining and Geology Board shall provide the statutorily required notice to Operator of intent to take appropriate action to forfeit the financial assurances, provide the statutorily required opportunity to Operator to commence reclamation within 60 days and complete reclamation with the time frame required by County or the State board, and if the Operator has not substantially complied, then the County or the State Board may proceed to take appropriate action to require forfeiture of the financial assurances and use the forfeited financial assurances to conduct and complete reclamation in accordance with the approved reclamation plan.</p>	<p>Reclamation costs for premature closure of quarry shall be provided to the Director of P&amp;BI Department in conjunction with the Reclamation Assurance condition found in item #13 above, with further assurance that restoration compliance shall be carried out to correspond with the adjoining area.</p>	Owner/ Applicant	Ongoing	

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		The Operator shall remain responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances. To ensure compliance with this requirement, the Operator shall, prior to commencement of use and annually thereafter, provide financial assurances to the County in compliance with the Condition of Approval No. 14. <b>(Planning and Building Inspection)</b>				
24.		<b>CONSERVATION EASEMENT IN-LIEU FEE:</b> A conservation easement shall be conveyed to the County in the form of a cash payment (based on the local land value and mitigation ratio for 0.75 of an acre) to the San Joaquin Kit Fox mitigation bank in San Luis Obispo County for the protection of San Joaquin Kit Fox habitat off site. This cash payment will be made in lieu of land acquisition. However, if a mitigation bank were to be opened in Monterey County, the Applicant proposes to contribute to such a Monterey County SJKF mitigation bank, and withdraw its obligation to San Luis Obispo County. <b>(California Department of Fish and Game; Planning and Building Inspection)</b>	Provide payment of the in-lieu fee to the Director of P&BI Department based on approval from the California Department of Fish and Game.	Owner/ Applicant	Prior to issuance of grading or building permits or commencement of mining operation, whichever occurs first.	

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25.		<p><b>AIR QUALITY EMISSION STANDARDS:</b>  Equipment used for mining, processing, reclamation and energy generation shall meet Monterey Bay Unified Air Pollution Control District standards for air quality emissions Inspection for emission standards shall be performed by the MBUAPCD prior to the start of operations and shall verify that emissions from the generator(s) and processing equipment meet District permit requirements or the emissions from the generator(s) and processing equipment are mitigated to the satisfaction of the MBUAPCD, in accord with the “CEQA Air Quality Guidelines”, as well as the “Rules and Regulations”, adopted by the Monterey Bay Unified Air Pollution Control District. The Project Applicant shall contact the District regarding permit requirements for stationary internal combustion engines and any other operations subject to permit. <b>(Planning and Building Inspection)</b></p>	<p>Inspection for emission standards shall be performed by by the MBUAPCD prior to the start of operations and shall verify that emissions from the generator(s) and processing equipment meet District permit requirements or the emissions from the generator(s) and processing equipment are mitigated to the satisfaction of the MBUAPCD, in accord with the “CEQA Air Quality Guidelines”, as well as the “Rules and Regulations”, adopted by the Monterey Bay Unified Air Pollution Control District. The Project Applicant shall contact the District regarding permit requirements for stationary internal combustion engines and any other operations subject to permit.</p>	Project Applicant and Owner	Project Applicant shall obtain approvals and any necessary permits from the MBUPAC D prior to the start of operation and shall comply with all MBUAPC D requirements.	MBUAPC D approval prior to the start of operation and in accord with permits issued by the MBUAPC D.

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26.		<b>FISH AND GAME FEE-MITIGATED NEG DEC</b> 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, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. 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. <b>(Planning and Building Inspection)</b>	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.	Owner/ Applicant	Prior to the start of the use or the issuance of building and grading permits.	
<b>ENVIRONMENTAL HEALTH DIVISION</b> <b>CONDITIONS OF APPROVAL (see also Mitigations 7-4 [Condition 64] and 8-2 [Condition 65] below)</b>						
27.		<b>NOISE ELEMENT:</b> The project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. <b>(Environmental Health)</b>	Comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code	Owner/ Applicant	Contin- uous	
28.		<b>WATER SYSTEM PERMIT:</b> Obtain a new water system permit from the Division of Environmental Health. <b>(Environmental Health)</b>	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits	

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29.		<b>PORTABLE TOILETS:</b> An adequate number of portable toilets shall be provided and maintained so as not to create a public nuisance and shall be maintained by a permitted liquid waste hauler. Portable units shall provide hand washing capacity. Submit copy of service contract to the Division of Environmental Health. <b>(Environmental Health)</b>	Submit copy of service contract to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Prior to commencement of operation.	
<b>WATER RESOURCES AGENCY</b> <b>CONDITIONS OF APPROVAL (see also Mitigations 8-3 to 8-9 [Conditions 66 to 72] below)</b>						
30.		<b>GROUNDWATER USE:</b> An annual groundwater extraction report quantifying the monthly extraction from each well shall be submitted every February 15th to the Monterey County Water Resources Agency. <b>(Water Resources Agency)</b>	Submit the report to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
31.		<b>WELL INFORMATION:</b> If new wells are developed, the Groundwater Extraction Management System (GEMS) Well Information Form shall be completed and submitted to the Monterey County Water Resources Agency. The total amount of well water utilized shall not exceed 15,000 gallons per day. <b>(Water Resources Agency)</b>	Submit the form to Water Resource Agency for review and approval	CA Licensed Engineer /Owner/ Applicant	Prior to the issuance of grading and building permits	
<b>PUBLIC WORKS DEPARTMENT</b> <b>CONDITIONS OF APPROVAL (see also Mitigations 15-4 to 15-8 [Conditions 78 to 82] below)</b>						

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32.		<b>TRAFFIC CIRCULATION AND PARKING:</b> The parking layout and circulation shall be reviewed by the Director of Public Works. The parking requirements shall meet the standards of Monterey County Code Chapter 21.58 and be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or commencement of the approved use. <b>(Public Works; Planning and Building Inspection)</b>	Applicant's engineer or architect shall prepare a parking plan for review and approval. The parking layout and circulation shall be reviewed by the Director of Public Works.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
33.		<b>RAIL ROAD CROSSING:</b> Truck drivers traveling to the site from Elm Road to Metz Road shall be instructed to wait on the west side of the rail road crossing if there is more than one truck waiting to take a left turn on Metz Road from Elm Road. <b>(Planning and Building Inspection)</b>	Applicant shall provide to the Directors of Planning and Building Inspection and Public Works a copy of the safety instructions provided to quarry truck drivers for rail road crossings along with approved truck routes.	Owner/ Applicant	Prior is commence -ment of mining operation	
<b>MITIGATIONS</b> (Based on Mitigated Negative Declaration; State Clearinghouse #SCH2003121025)						
<b>AESTHETICS</b>						

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
34.	1-1	<b>FINAL SLOPE GRADIENTS:</b> To minimize an engineered appearance, final slopes shall follow the contours of the original slopes and shall not be graded to a uniformly flat surface. A full-size plan shall be submitted showing areas of planned aggregate material removal from the slopes, in relationship to the original slopes. Said plan shall include horizontal sectional drawings at 100-foot intervals showing the proposed mined surface and the rock material to remain in place. <b>(Planning and Building Inspection)</b>	Said plan shall be subject to review and approval by the Planning Director for consistency with the purpose and intent of this mitigation measure.	Owner/ Applicant	Prior to commencing mining operations	
35.	1-2	<b>SEQUENCE OF MINING OPERATION:</b> The southwest face of the West Pit shall not be mined until all mineral resources in the East Pit and northeast half of the West Pit have been exhausted. Mining of the southwest face of the West Pit shall proceed in the same manner as the East Pit, including maintaining the highwall facing northwest and concurrent reclamation of the mined surface facing southeast. <b>(Planning and Building Inspection)</b>	Progression of the mining operation shall be submitted to the Planning Director as part of the Annual Mitigation Reports described in Condition item #5 above.	Owner/ Applicant	Ongoing	
36.	1-3	<b>STOCKPILING:</b> Waste rock stockpiling shall only occur in the area designated as Aggregate Stockpile on Operation Plan Figure 2, Mining Operations Area. Only soil used for reclamation shall be stockpiled on ridges or peaks. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall monitor the stockpiling.	Owner/ Applicant	Ongoing	
37.	1-4	<b>VEGETATIVE COVER:</b> Performance Criteria R-2 on page 27 of the Reclamation Plan shall be amended to include achieving at least 80 percent of density of vegetative cover found on adjoining, undisturbed slopes. <b>(Planning and Building Inspection)</b>	With the exception of stockpile areas, the annual P&BI Department inspections shall monitor the re-vegetation cover in consultation with the consulting biologist.	Owner/ Applicant	Prior to issuance of grading or bldg. permits	

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38.	1-5	<b>COLORS &amp; MATERIALS FOR SCALEHOUSE &amp; RETAINING WALLS:</b> To blend with the rural character of the site, the scale house shall blend with the hillside area and neighborhood. Retaining walls in the entrance improvement area shall be of split-face block or natural stone and colored to visually blend with the retained hillside. <b>(Planning and Building Inspection)</b>	All colors and materials shall be subject to review and approval by the Planning Director.	Owner/ Applicant	Prior to issuance of bldg. permits	
39.	1-6	<b>LIGHTING:</b> Scalehouse lighting, as well as any exterior lighting in the Project entrance area shall be glare-shielded such that the light source is not visible from any off-site location and is shielded or directed to light only the intended area. Light fixture cut sheets shall be included in the construction drawings for the scalehouse. Light fixture cut sheets for any other exterior lighting shall be submitted to the Planning Director for review and approval. A light plan shall not be required for basic security lighting that will not result in off-site fugitive lighting that can be viewed from off-site locations.. <b>(Planning and Building Inspection)</b>	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
<b>AIR QUALITY</b>						
40.	3-1	<b>WATERING FREQUENCY:</b> During the construction phase of the Project and during dry-periods, the active construction areas shall be watered at least twice daily. Frequency shall be based on the type of operation, soil and wind conditions. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall include a review of consultant records for fugitive dust emissions.	Owner/ Applicant	During construction phase and dry season	

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41.	3-2	<b>COVERING TRUCK LOADS:</b> Haul trucks shall maintain at least six inches of freeboard or be covered when transporting materials off-site. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall monitor fugitive dust emissions.	Owner/ Applicant	Ongoing	
42.	3-3	<b>WATERING ENTRANCE AREA:</b> During the operational phase of the mine, the Project entrance area shall be watered as necessary to suppress fugitive dust. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall monitor fugitive dust emissions.	Owner/ Applicant	Ongoing	
43.	3-4	<b>RESPONDING TO DUST COMPLAINTS:</b> A sign shall be posted conspicuously at the Project entrance which specifies a telephone number and a person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance). The Applicant shall retain a log regarding dust complaints. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall monitor fugitive dust emissions and respond to dust complaints.	Owner/ Applicant	Ongoing	
44.	3-5	<b>LIMITED AREA FOR DAILY CONSTRUCTION:</b> On-site grading and construction activities will be limited to two-acres or less per day to ensure that thresholds for construction-related air impacts are not exceeded. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall monitor areas of grading and construction activities	Owner/ Applicant	Ongoing	
<b><i>BIOLOGICAL RESOURCES</i></b>						

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45.	4-1	<b>CONSERVATION EASEMENT:</b> A 22-acre area in the northeastern portion of the property containing Indian Valley Bush Mallow and Needlegrass grassland shall be placed under a conservation easement. The easement shall include approximately seven acres of needlegrass grassland, and shall be subject to the approval of the Planning and Building Inspection Department and the California Department of Fish and Game. <b>(Planning and Building Inspection)</b>	<ol style="list-style-type: none"> <li>1) Submit appropriate conservation easement deed to PBI for review and approval by the Director of Planning and Building Inspection.</li> <li>2) Conveyance to the County upon approval by the Board of Supervisors.</li> </ol>	Owner/ Applicant	Prior to Issuance of Grading & Building Permits	
46.	4-2	<b>PRE-CONSTRUCTION BIOLOGICAL SURVEY:</b> A survey for active nests (focusing on the northern harrier) within the limits of grading shall be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active nests are found, all ground disturbing activities shall be conducted at least 500 feet from the nest until the young have fledged and are independent of the adults. This occurrence shall be verified by the biologist. <b>(Planning and Building Inspection)</b>	A qualified biologist shall conduct a survey at the site two weeks prior to any construction activities and verify the setbacks for ground disturbing activities from active nests.	Owner/ Applicant	Two weeks prior to any construction activities	

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47.	4-3	<b>EROSION-CONTROL MEASURES:</b> Drainage plans for the mining operation shall include erosion control Best Management Practices (BMPs) to mitigate erosion from grading activities during the rainy season (October 1 through April 15). These measures will include, but not be limited to, straw wattles, straw bales or erosion control blankets to be installed in reclaimed areas where appropriate. Erosion control BMPs shall be installed before October 1 <sup>st</sup> of each year. Reclaimed areas shall be inspected within one week after a 10-year storm event and at the conclusion of each rainy season. Additional erosion control measures shall be implemented during the rainy season for rills exceeding six inches in width and six inches in depth for a length of six feet or more. Rills exceeding these standards shall be repaired before October 1 <sup>st</sup> of the next year. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall include the monitor the erosion control BMPs.	Owner/ Applicant	Erosion control BMPs shall be installed before 10/31 of each year and during rainy season.	
48.	4-4	<b>RECYCLING MEASURES:</b> Trash / recycling areas shall be kept in leak-proof containers. No other areas may drain into the trash enclosure area. <b>(Planning and Building Inspection)</b>	Submit a recycling plan as part of the Annual Mitigation Reports submitted to the P&BI Department.	Owner/ Applicant	Contin- uous condition	
<b><i>GEOLOGY AND SOILS</i></b>						
49.	6-1	<b>LIMITED REMOVAL OF VEGETATION AND OVERBURDEN:</b> Any disturbance or removal of vegetation or overburden shall be limited to the minimum necessary for operation and any temporary disturbance, as shown on Operation Plan Figure 5 – Mining Operation Area. Mitigation shall include the revegetation of stripped or exposed areas allowing the	The annual P&BI Department inspections shall monitor areas of disturbance and inspect the amount of side-cast material.	Owner / Applicant	Ongoing	

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		former land use of cattle grazing to continue in undisturbed portions. Additionally, the amount of the side-cast material that is generated during excavations shall be kept to a minimum, by exporting any saleable material off-site. Material determined to be waste aggregate (i.e., not of suitable quality for sale) will be retained on-site and used for reclamation or sold as engineered fill. <b>(Planning and Building Inspection)</b>				
50.	6-2	<b>STOCKPILE MANAGEMENT:</b> During excavation and reclamation operations, stockpiles shall be managed to control erosion. Seeding for temporary revegetation may be used to further assure erosion control in winter months. Topsoil or overburden that will be stored for periods of longer than 6 months shall be seeded with grasses as necessary to minimize erosion. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall monitor the erosion-control measures applied to topsoil or overburden stockpiles.	Owner / Applicant	Ongoing	
51.	6-3	<b>STOCKPILE MANAGEMENT:</b> Stockpiles shall be no more than 12 feet high and shall not be compacted, in order to maintain oxygen availability to soil microorganisms. Tops shall also be flat to minimize erosion. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall monitor the height and shape of the topsoil or overburden stockpiles.	Owner / Applicant	Ongoing	
52.	6-4	<b>STOCKPILE MANAGEMENT:</b> If topsoil is stored for periods of longer than six months, stockpiles shall be seeded with the following seed mixture and/or mulched to minimize erosion and maintain the soil ecosystem. A seed mixture of 22 to 27 pounds per acre shall include several or all of the following species of native annuals and perennials that are good colonizers:  Blando Brome 15% Wimmera Annual Ryegrass 20%	The annual P&BI Department inspections shall monitor the erosion-control measures applied to topsoil or overburden stockpiles.	Owner / Applicant	Ongoing	

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		Holdfast Harding Grass      10% Haymaker Dryland Vetch      20% Antas Sub Clover              10% Campeda Sub Clover          10% Nitro Persian Clover          8% Balansa Clover                7% <b>(Planning and Building Inspection)</b>				
<b>HAZARDS AND HAZARDOUS MATERIALS</b>						
53.	7-1	<b>HAZARDOUS MATERIAL SPILL KIT:</b> The operator shall maintain a spill kit to contain hazardous material on each piece of mobile equipment. <b>(Environmental Health Division, Planning and Building Inspection)</b>	Submit plan to the Hazardous Materials Program of the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to commencement of operation.	
54.	7-2	<b>ROCK BLASTING CERTIFICATION:</b> Copies of certifications for all personnel on-site involved in the preparation and carrying out of rock blasting shall be submitted to the Planning Department. <b>(Planning and Building Inspection)</b>	Personnel certifications shall be submitted to the Director of Planning and Building Inspection	Owner / Applicant	At least one month prior to commencement of blasting operations	
55.	7-4	<b>HAZARDOUS MATERIAL REGISTRATION:</b> Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. <b>(Planning and Building Inspection)</b>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	

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<b>HYDROLOGY AND WATER QUALITY</b>						
56.	8-2	<b>WASTEWATER DISPOSAL SYSTEM:</b> Submit a detailed domestic wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. <b>(Environmental Health Division)</b>	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading and/or building permits.	
57.	8-3	<b>TOP OF BANK SETBACKS:</b> The top of bank, as defined in County Floodplain Ordinance #3272, shall be determined by a registered civil engineer or licensed land surveyor and delineated on the site plan. The detention pond and proposed overburden areas shall be setback 50 feet from the top of bank out of the flood plain. <b>(Water Resources Agency, Planning and Building Inspection Department)</b>	The consulting engineer or licensed land surveyor shall provide the Water Resources Agency with a determination of the proper setback from a designated location for the top of bank.	Owner/ Applicant/ consulting engineer or licensed land surveyor	Prior to issuance of demolition, grading and/or building permits	
58.	8-4	<b>DRAINAGE PLANS:</b> A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, that includes routing stormwater runoff from any paved parking areas to an oil-grease/water separator and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention pond shall be fenced for public safety. <b>(Water Resources Agency, Planning and Building Inspection)</b>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of grading and/or building permits	

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59.	8-5	<b>ROAD DRAINAGE AND IMPROVEMENT PLAN:</b> A road drainage and improvement plan shall be prepared by a registered civil engineer. <b>(Water Resources Agency, Planning and Building Inspection)</b>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
60.	8-6	<b>APPLICATION SUBMITTALS TO LOCAL, STATE AND FEDERAL AGENCIES:</b> The Applicant shall provide certification to the County Water Resources Agency that applications have been submitted for all required local, State and Federal permits including but not limited to: California Division of Safety of Dams, State Water Resources Control Board and/or the California Regional Water Quality Control Board. <b>(Water Resources Agency)</b>	Submit a letter and any associated permits to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
61.	8-7	<b>WATER SYSTEM INFORMATION:</b> 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. <b>(Water Resources Agency)</b>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
62.	8-8	<b>STORMWATER RETENTION FACILITY:</b> Certification that a stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. <b>(Water Resources Agency)</b>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to commencement of use	

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63.	8-9	<p><b>MANDATORY WATER CONSERVATION:</b> The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.</p> <p><b>(Water Resources Agency)</b></p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection / occupancy	
<b>NOISE</b>						
64.	11-1	<p><b>MAXIMUM NOISE LEVELS FOR BLASTING:</b> The blasting contractor shall design the shots so as not to exceed maximum noise levels of 70 dBA or peak particle velocity vibration levels of 0.1 in/sec at the nearest existing residence. <b>(Planning and Building Inspection)</b></p>	The annual P&BI Department inspections shall include a review of consultant records for decibel and vibration levels from the nearest existing residence.	Owner/ Applicant	Ongoing	

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65.	11-2	<b>BLASTING TIME PERIODS:</b> All shots performed for this project shall be conducted within the same four-hour period every time (i.e. between 12 p.m. and 4 p.m. on days when shots are to be performed), and shall not occur more than once per week. <b>(Planning and Building Inspection)</b>	The annual P&BI Department inspections shall include a review of consultant records for decibel and vibration levels from the nearest existing residence.	Owner/ Applicant	Ongoing	
<b>TRANSPORTATION / TRAFFIC</b>						
66.	15-1	<b>TRUCK ROUTE:</b> Quarry trucks shall utilize the Elm route for all quarry activities until the Walnut Route is designated as a truck route by the City of Greenfield. Upon said designation, San Benito Supply shall cease using the Elm Route and shall utilize only the Walnut Route. Readable signs shall be installed for trucks leaving the site stating the truck route that is required to be used. <b>(Planning and Building Inspection)</b>	Applicant shall provide to the Directors of Planning and Building Inspection and Public Works a copy of the safety instructions provided to quarry truck drivers for rail road crossings along with approved truck routes.	Owner/ Applicant	Until City of Greenfield designates Walnut Route, the Elm Route shall be utilized.	
67.	15-2	<b>TRUCK ROUTE:</b> All trucks using this site will be required to enter the site from Elm Avenue east to Metz Road north and exit the site from Metz Road south to Elm Avenue west unless the Elm Avenue crossing is washed out/flooded or otherwise closed or impassable due to unsafe conditions. This policy will also be applicable to all trucks making deliveries to the site. Additionally, trucks may use Metz Road north or south for deliveries with a specific address on this road or accessible only via Metz Road. <b>(Planning and Building Inspection)</b>	Applicant shall provide to the Directors of Planning and Building Inspection and Public Works a copy of the safety instructions provided to quarry truck drivers for rail road crossings along with approved truck routes.	Owner/ Applicant	Prior to issuance of grading and/or building permits	

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68.	15-3	<b>TRAFFIC IMPACT FEES:</b> The project applicant shall pay the City of Greenfield fair share traffic impact fees toward the establishment of the future improvements identified in the 1999 <i>City of Greenfield Transportation Study</i> , by Higgins Associates, December 21, 1999, and mapped on Exhibit 13 of the project traffic report. <b>(Planning and Building Inspection)</b>	The applicant shall provide to the Director of Planning and Building Inspection a copy of the receipt for payment of the City of Greenfield fair share traffic impact fees.	Owner/ Applicant	Prior to issuance of grading and/or building permits	
69.	15-4	<b>ENCROACHMENT PERMIT:</b> The project applicant shall obtain an encroachment permit from the Public Works Department, and shall construct a commercial driveway including acceleration and deceleration tapers to Metz Road, subject to review and approval by the Public Works and Planning Departments. <b>(Public Works, Planning and Building Inspection)</b>	Applicant shall obtain an encroachment permit from Department of Public Works prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/Grading Permit Issuance.	
70.	15-5	<b>ROAD UPGRADES:</b> The project applicant shall upgrade Second Street between Elm Avenue and Walnut Avenue to County standards, using a design traffic index appropriate for the future pavement loading added by the project truck traffic. Prior to the City of Greenfield's designation of the Walnut truck route, the Applicant shall add additional pavement at intersections in order to accommodate the turning radii of project trucks. <b>(Public Works; Planning and Building Inspection)</b>	Specific improvements and pro-rate fair share of road upgrades for the quarry operations shall be determined by a pavement evaluation subject to approval of the City of Greenfield Public Works Department and the County of Monterey Public Works Department.	Owner/ Applicant	Prior to City of Greenfield designation of Walnut truck Route.	

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71.	15-6	<p><b>ROAD MAINTENANCE AGREEMENT:</b> San Benito Supply shall enter into a maintenance agreement with the County of Monterey. The agreement shall include provisions for:</p> <p>a. Completion and maintenance and rehabilitation plan (plan) for those portions of road as analyzed and outlined in the “pavement evaluation study, maintenance and rehabilitation strategy for San Benito Supply Quarry, Monterey California”: Kleinfelder, 5-10-2002.</p> <p>b. There shall be joint review between Public Works, Planning and Building Inspection Department and the operator of the plan every five years. The review shall allow for the Public Works Department and San Benito Supply to analyze the effectiveness of the plan and to modify the plan by mutual agreement should the parties determine the need exists.</p> <p>c. Joint inspections by San Benito Supply (or subsequent owner), the Public Works Department and a third party consultant to review work to be done and work to be completed per the plan specifications. Third party review may be waived upon mutual agreement by both the Public Works Department and San Benito Supply (or subsequent owner).</p> <p>d. An annual renewable bond for work shall be required to comply with the plan.</p> <p>e. The maintenance agreement obligations shall be consistent with other maintenance agreements in the Greenfield area. <b>(Public Works; Planning &amp; Bldg)</b></p>	<p>Annual renewable bond required for compliance.</p> <p>In the event that either party shall require additional time to review and complete the maintenance agreement described in this mitigation measure, written notification indicating the need for an extension shall be forwarded to the intended recipient (San Benito Supply or subsequent owner / Department of Public Works). Said notice shall be in writing and shall be personally delivered or mailed by commercial courier service or by registered or certified mail return receipt requested, with the first class postage prepaid.</p>	P&BI; PW; Operator; Possible 3 <sup>rd</sup> party consultant	<p>Within 90 days of approval of the project</p> <p>Joint review between PW, P&amp;BI, and Operator of plan every 5 years.</p>	

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72.	15-7	<b>MARKING INTERSECTIONS:</b> Apply stop sign control and associated pavement markings (limit line, “STOP” pavement lettering, center line striping) to the westbound Apple Avenue approach to Second Street and the northbound and southbound Second Street approaches to Walnut Avenue. <b>(Public Works)</b>	Applicant shall apply intersection markings and maintain said markings.	Owner/ Applicant	Ongoing	
73.	15-8	<b>INTERNAL ROAD MAINTENANCE:</b> The access and internal roads shall be maintained in such a way as to minimize dust and avoid mud tracking onto county roads. <b>(Public Works)</b>	Applicant shall implement measures as approved by PW to prevent dust and to keep the surface in a mud-free condition.	Owner/ Applicant	Ongoing	
<i>water resource agency recommendation</i>						
74		<b>Zone 2C Annexation:</b> Prior to the commencement of use, the applicant shall apply for annexation to Zone 2C of the Monterey County Water Resources Agency, as necessary. Parcels that may be annexed shall include those located outside of Zone 2C that receive water from wells located with Agency benefit assessment zone.	Applicant shall provide to Planning and Building Inspection department proof of consultation with Monterey County Water Resources Agency.	Owner/ Applicant	Prior to issuance of building/grading permits	
<i>additional conditions</i>						
75.		<b>DEED RESTRICTION:</b> The applicant shall record a deed restriction stating: “The Parcel contains areas of fill that have not been engineered to support structures and development may be subject to certain restrictions.”	Applicant shall provide to the Directors of Planning and Building Inspection a copy of the deed restriction.	Owner/ Applicant	Prior to issuance of building/grading permits	

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76.		<p><b>DUST CONTROL:</b> The Operator shall implement a dust control program, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>a. The Operator shall cease dust generating activities when wind speeds create excessive amounts of fugitive dust that can be seen with unaided vision to be spreading beyond the Project boundary.</li> <li>b. Trucks and mobile equipment shall limit speeds on interior unpaved haul roads to 25 miles per hour.</li> </ul>	The P&BI Department shall monitor fugitive dust emissions.	Owner/ Applicant	Ongoing	
77.		<p><b>BIOLOGICAL RESOURCES EDUCATION:</b> The Operator shall implement a biological resources education program for all on-site personnel. Prior to commencement of employment on the site and thereafter on an annual basis, training shall include: a) how to identify sensitive biological resources likely to be found on the site and b) how to implement appropriate measures to protect those resources. The Operator shall maintain a record of compliance with this mitigation measures and submit annually a record of compliance to the Monterey County Planning and Building Inspection Department.</p>	Operator shall maintain a record of compliance with this mitigation measure and submit annually a record of compliance to the Monterey County Planning and Building Inspection Department.	Owner/ Applicant	Ongoing	

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78.		<b>WEED CONTROL:</b> The Operator shall implement an ongoing weed control program to control the spread of invasive non-native plants into disturbed and reclaimed areas. The Operator shall prepare and submit a weed control plan to the Monterey County Planning and Building Inspection Department within one year of Use Permit approval. The weed control plan shall include the identification of invasive non-native species likely to occur on the site, methods for controlling or eradicating these species, and performance criteria for evaluating plan implementation. The minimum performance standard shall be no net increase in invasive non-native species over pre-mining conditions. Program implementation shall be documented and included in the periodic reports to be submitted under Condition 5. Reclamation shall not be deemed complete unless populations of non-native invasive weeds are shown to be controlled.	The annual P&BI Department inspections shall monitor weed abatement.	Owner/ Applicant	Plan submitted within one year of approval; ongoing thereafter	

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79.		<b>LANDSCAPING:</b> The scale house areas shall be landscaped. At least 60 days prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be installed. 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.	At least 60 days prior to occupancy, three copies of a landscaping plan shall be submitted to the Direction of Planning and Building Inspection for approval.  The annual P&BI Department inspections shall monitor landscaping maintenance.	Owner/ Applicant	Prior to occupancy of scale house and Ongoing	
80.		<b>SPARK SUPPRESSION:</b> The Operator shall install and maintain spark suppression devices on equipment powered by internal combustion engines.	Evidence of spark suppression devices on equipment powered by internal combustion engines shall be provided to the P&BI Department.	Owner/ Applicant	Prior to issuance commencement of grading activities	
81.		<b>FIRE PROTECTION:</b> All fire roads and fire breaks surrounding and within the mining area shall be constructed to the applicable fire district's recommended minimum standards. The goal is to minimize visibility from public areas while still providing adequate fire protection. This requirement does not apply outside the defined operations area, which is defined in the Operation Plan and Reclamation Plan..	Provide evidence to P&BI Department that all fire roads and fire breaks surrounding and within the mining area are constructed using the fire district's recommended minimum standards.	Owner/ Applicant	Prior to commencement of grading activities	

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82.		<p><b>FIRE HAZARD ABATEMENT PLAN:</b> The Operator shall prepare a Fire Hazard Abatement Plan. This Plan shall specify actions to reduce fire hazards associated with the Project. The Plan shall include:</p> <ul style="list-style-type: none"> <li>a. Vegetation removal and fuel reduction measures. Vegetation removal and fuel reduction shall be consistent with the biological resources studies submitted with the application.</li> <li>b. A detailed list of the types of fire suppression equipment to be maintained on-site, and the locations of that equipment.</li> <li>c. A detailed description of an employee training program. This program shall include new employee training, annual review courses, instructions on using fire suppression equipment, and instructions for contacting the appropriate agencies in the event of a fire.</li> </ul> <p>This Plan shall be reviewed and approved by the appropriate fire agency.</p>	The Operator shall submit three copies of a Fire Hazard Abatement Plan to the Director of the Planning and Building Inspection Department for review and approval.	Owner/ Applicant	Prior to issuance of building/grading permits	