

**MINOR SUBDIVISION COMMITTEE  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05013

APN# 423-041-050-000  
**FINDINGS & DECISION**

In the matter of the application of  
**DEDINI ELDON L & VIRGINIA D DEDINI TRS (PLN030551)**

Minor Subdivision of a 319-acre parcel into five parcels of 40 acres each and two parcels of 54 acres each for agricultural purposes and one remainder commercial parcel of 11 acres. The property is located at 50219 Lockwood Road, Lockwood. The project came on regularly for hearing before the Minor Subdivision Committee on May 26, 2005.

WHEREAS: Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto;

**FINDINGS OF FACT**

1. **FINDING:** The project proposed in this application consists of a minor subdivision (PLN030551), as described in condition #1 of the attached Exhibit "C," and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, South County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 50219 Lockwood Road, Lockwood. The property is zoned "F/40" and "LC."

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The South County Area Plan
- b) Chapter 21.18 and 21.30 of the Monterey County Zoning Ordinance regulations for development.

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department and the South County Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements.

**EVIDENCE:** Written and verbal public testimony submitted at public hearings before the decision-making body.

**EVIDENCE:** The on-site inspection of the subject parcel by the project planner.

**EVIDENCE:** 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.

**2. FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Mitigated Negative Declaration has been adopted. 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 and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, Water Resources Agency, Parks Department and the South County Fire Protection District support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 2620 First Avenue, Marina, Ca 93933. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. 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.

**EVIDENCE:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on May 2, 2005, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Project Application / Plans for the Dedini Minor Subdivision
2. Technical Reports

- a. Cultural Resources Inventory Survey of 360 Acres On Three Parcels IN Lockwood, Monterey, California prepared by Cultural Resource Management Services dated April 14, 2005
  - b. Preliminary Geotechnical Engineering Report prepared by Mid-Coast Geotechnical, Inc. dated February 17, 2004.
  - c. Percolation Data Report prepared by Mid-Coast, Inc. dated February 18, 2005.
3. Monterey County General Plan
  4. South County Land Use Plan
  5. Monterey County Zoning Code Title 21 and Zoning Map.
  6. Referral Agency Comments

**EVIDENCE:** File and application materials; Initial Study with mitigation measures; additional supporting information from California Regional Water Quality Control Board, and the Monterey Bay Unified Air Pollution Control District which agencies, consultants' names and study types; and Negative Declaration contained in the project file.

3. **FINDING:** Considering the record as a whole, there is evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.

**EVIDENCE:** The administrative record as a whole, which must and does contain the following information, supports the above finding.

- a. An Initial Study has been prepared so as to evaluate the potential for adverse environmental impact.
- b. When considering the record as a whole, there is evidence that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.

**EVIDENCE:** Initial Study and Negative Declaration contained in the project file.

4. **FINDING:** That none of the findings found in Section 19.04.025.I of the Subdivision Ordinance can be made.

**EVIDENCE:** Section 19.04.025.I requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan and the South County Area Plan. No specific plan has been prepared for this area. The site has been determined to be physically suitable for the type and density of development (see Evidence below). The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable

recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

**EVIDENCE:** The property provides for adequate building sites as evidenced by the application materials submitted for the site.

**EVIDENCE:** The application, plans, and support materials, including the technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The reports are:

- a. Cultural Resources Inventory Survey of 360 Acres On Three Parcels IN Lockwood, Monterey, California prepared by Cultural Resource Management Services dated April 14, 2005
- b. Preliminary Geotechnical Engineering Report prepared by Mid-Coast Geotechnical, Inc. dated February 17, 2004.
- c. Percolation Data Report prepared by Mid-Coast, Inc. dated February 18, 2005.

The reports concluded the proposed development is suitable for the site, subject to recommendations for construction.

**EVIDENCE:** 1) The on-site inspection of the parcel by the project planner. Maps and application contained in the project file.

**EVIDENCE:** Preceding Findings and Evidence.

5. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood 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:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Water Resources Agency, Parks Department and South County Fire Protection District. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

**EVIDENCE:** Adoption of the Negative Declaration includes mitigation measures that address potential impacts to Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality and Utilities/Service Systems.

**EVIDENCE:** File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

6. **FINDING:** The subject property is in compliance with all the rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

**EVIDENCE:** The subject property is currently vacant and undeveloped and there are no zoning violations recorded or pending to be resolved.

7. **FINDING:** The project is appealable to the Board of Supervisors .  
**EVIDENCE:** The Monterey County Subdivision Ordinance (Title 19), Section 19.16.020.B.

**DECISION**

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

**PASSED AND ADOPTED** this 26th day of May, 2005 by the following vote:

AYES: McPharlin, Mulholland, Hori, Hodges, Mounday  
NOES: None  
ABSENT: Hawkins  
ABSTAIN: None

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LYNNE MOUNDAY, SECRETARY

Copy of this decision mailed to the 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.

<b>Monterey County Planning and Building Inspection</b>  <b>Condition Compliance and/or Mitigation Monitoring Reporting Plan</b>	<b>Project Name: <i>Dedini Subdivision</i></b>  <i>File No:</i> PLN030551 <i>APNs:</i> 423-041-050-000  <i>Approval by:</i> <i>Minor Subdivision Committee</i> <span style="float: right;"><i>Date: May 26, 2005</i></span>
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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>Verification of Compliance (name/date)</i>
1		<b>PBD029 - SPECIFIC USES ONLY</b> This permit (PLN030551) allows for the subdivision of a 319-acre site into five parcels of 40 acres each and two parcels of 54 acres each for agricultural purposes and one remainder commercial parcel of 11 acres. No improvements are currently proposed. Access to the lots will be from existing roads. The subdivision could result in the development of up to 21 single-family dwellings accessory to agricultural use on the portion of the property that is zoned F/40 (i.e., the Zoning Ordinance allows for up to three single family dwellings per agricultural parcel, but only if they are related to an on-site agricultural use). Future building permit applications will be required for the development of the agricultural and commercial parcels. The site is located at 50219 Lockwood Road, Lockwood, South County area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b>				
2		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit Resolution 030551 was approved by the Minor Subdivision Committee for Assessor's Parcel Number 423-041-050-000 on May 26,2005. The permit was granted subject to 12 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. <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>PBD030 - 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	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 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/ Archaeologist	Ongoing	

<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>
		<p>a unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation shall be available. Work can continue on other parts of the site while resource mitigation takes place. The mitigation measures shall include the following steps if human remains are discovered:</p> <p>a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ol style="list-style-type: none"> <li>1) The coroner of the county must be contacted to determine that no investigation of the cause of death is required, and</li> <li>2) If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> <li>i) The coroner shall contact the Native American Heritage Commission within 24 hours.</li> <li>ii) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native American.</li> <li>iii) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, <u>OR</u></li> </ol> </li> </ol> <p>b) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on</p>				

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		<p>the property in a location not subject to further subsurface disturbance:</p> <ol style="list-style-type: none"> <li>1) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</li> <li>2) The descendent identified fails to make a recommendation, or</li> </ol> <p>The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. <b>(Planning and Building Inspection)</b></p>				
4		<p><b>PW0031 – PARCEL MAP</b> File a parcel map delineating all existing and required easements or rights-of-way and monument new lines. <b>(Public Works)</b></p>	Applicant’s surveyor shall prepare parcel map, submit to DPW for review and approval.	Owner/ Applicant/ Engineer	Prior to Recordation of Parcel Map	
5		<p><b>PW0033 – SURVEYOR CHECK-LIST</b> Thirty days prior to expiration date of the tentative map, Step A (8-Items) of the County Surveyor’s Check Off List for Parcel Map Processing shall be completed. <b>(Public Works)</b></p>	Subdivider shall submit items included in County Surveyors Check Off List to DPW for review and approval.	Subdivider	Prior to Recordation of Parcel Map	
6		<p><b>PKS002 – RECREATION REQUIREMENTS/FEES</b> The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) <b>(Parks Department)</b></p>	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/ Applicant	Prior to the Recordation of the map	

<b>Permit Cond. Number</b>	<b>Mitig. Number</b>	<b>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</b>	<b>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
7		<b>EHSP01 – NON-STANDARD CONDITION</b> For each parcel A, B, C, E, F, G and the Remainder parcel; obtain a water well drilling permit from the Division of Environmental Health and construct the well. <b>(Environmental Health)</b>	Submit the Well Completion Report to the Division of Environmental Health.	Engineer/ Owner/ Applicant	Prior to filing the parcel map	
8		<b>EHSP02 – NON-STANDARD CONDITION</b> On parcel D and Parcel E: Destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater <b>(Environmental Health)</b>	Prior to destruction, a CA licensed well contractor shall obtain a permit for the destruction of the well(s) from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health.	CA Licensed Engineer/ Owner/App licant	Prior to filing the parcel map	
9		<b>WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS</b> A notice shall be recorded on the deed for each lot stating: “All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932.” Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. <b>(Water Resources Agency)</b>	Submit a recorded notice to the Water Resources Agency for review and approval.  (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recordation of the notice shall occur concurrently with the map	
10		<b>WR42 - LANDSCAPING REQUIREMENTS</b> A notice shall be recorded on the deed for each lot stating: “The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems.” Prior to recordation of the final map, a copy the completed notice shall be	Submit the notice to the Water Resources Agency for review and approval.  (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recordation of the notice shall occur concurrently with 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>Verification of Compliance (name/date)</i>
		provided to the Water Resources Agency for approval. <b>(Water Resources Agency)</b>				
11		<b>WRSP01 – NONSTANDARD CONDITION</b> The applicant shall provide the Water Resources Agency information on the well or wells to serve the project including a map showing the well location and any available well logs/e-logs. <b>(Water Resources Agency)</b>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/Applicant	Prior to commencement of use	
12		<b>PBI – NONSTANDARD CONDITION</b> The following conditions shall be included as notes on an additional sheet to the parcel map: 3. <b>(Planning and Building Inspection)</b>	Place all notes on additional sheet of parcel map.	Owner/Engineer	Prior to recordation of parcel map	
13		<b>FLOODPLAIN RECORDATION</b> The owner shall provide the Water Resources Agency a recorded Floodplain Notice for proposed parcels B, D, F, and G, stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” <b>(Water Resources Agency)</b>	Submit a recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency).	Owner/Applicant	Prior to filing the final map	
14		The project is subject to the County’s Inclusionary Housing Ordinance, #04185, which requires that the project contribute 1.2 Inclusionary Housing Units. Prior to the recordation of the Final Map the project applicants shall execute an Inclusionary Housing Agreement with the County, in a form acceptable to the County, that specifies that at least one Inclusionary Housing Unit shall be	Execute an Inclusionary Housing Agreement with County	Applicant/Owner	Prior to recordation of final map	

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		provided on the project site at a moderate-income level. The fractional .2 unit may be paid as an in-lieu fee. The Agreement shall address, but not limited to, the type and size of the unit, the location of the unit, pricing, selection of buyers and/or tenants, and the phasing of the inclusionary unit construction related to the release of building permits for the market rate units. ( <b>Housing and Redevelopment</b> )				
15		<b><i>FIRE001 - ROAD ACCESS</i></b> Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. ( <b><i>South County Fire District</i></b> )	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant/ Owner  Applicant/ Owner	Prior to issuance of grading and/or building permit  Prior to final building inspection.	