

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

RESOLUTION NO. 990227

MINOR SUBDIVISION NO. 03002

A.P.# 133-013-020-000

In the matter of the request of

FINDINGS AND DECISION

Blackie Meadows Estates (PLN990227)

for a **Combined Development Permit** pursuant to regulations established by local ordinance and state law, to allow a Coastal Development Permit and a Standard Subdivision request to create five (5) new residential parcels and a remainder. Proposed Lots 1, 3, 4, and 5 average five acres in area and Lot 2 has been configured for 9.58 acres in area, and the remainder parcel is proposed to be 14.84 acres in area. Approximately ten (10) acres of the remainder parcel adjacent to Blackie Road is within the Coastal Zone and is therefore subject to a Coastal Development Permit. The property is located at the southwest corner of Blackie Road and Moro Road, North County Land Use Plan, Coastal Zone and North County Area plan, came on regularly for hearing before the Minor Subdivision Committee on January 9, 2003.

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

1. **FINDING:** The project proposed in this application consists of a Combined Development Permit consisting of a Coastal Development Permit for a Subdivision and Standard Subdivision (File #PLN990227), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, North County Land Use Plan (Coastal) and North County Area Plan, and the Monterey County Zoning Ordinance (Titles 20 and 21). The property is located approximately 2000 feet west of Highway 101 on Blackie Road, Prunedale area. The parcel is zoned "RDR/5.1 and RDR/5 (CZ) (Rural Density Residential).

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

- (a) North County Land Use Plan (Coastal) and North County Area Plan.
- (b) Chapter 21.16 and 21.76, of the Monterey County Zoning Ordinance.
- (c) Monterey County Coastal Implementation Plan Part 1. Chapter 20.16 and 20.70.
- (d) Monterey County Coastal Subdivision Ordinance (Title 19) May 31, 1988.
- (e) Monterey County Subdivision Ordinance (Title 19) December 2000.

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 North County Fire Department.

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 project will not have a significant adverse impact on the environment and a Negative Declaration has been adopted by the Board of Supervisor's. An initial study was prepared for the project and it was determined that the project would have no significant impacts and a Negative Declaration was filed with the County Clerk on December 6, 2002, noticed for public review and circulated to the State Clearinghouse. The Subdivision Committee and the Planning Commission have considered public testimony and the initial study.

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 December 6, 2002, 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:

- a. Project Application/Plans and Technical Reports within project file (including geotechnical, hydro geologic, biologic and traffic reports)
- b. General Plan, North County Area Plan and Local Coastal Program.
- c. Site visit by the planning consultant and planner, September 6, 2002.
- d. Farmland Mapping and Monitoring Program, California Department of Conservation, Division of Land Resource Protection. (www.consrv.ca.gov/dlrp/fmmp)
- e. North County Trails Plan

- f. Title 19 Subdivision Ordinance
- g. County of Monterey Williamson Act Maps
- h. Chapter 16.04 Grading and 16.08 Erosion Control Ordinance.
- i. Inter Departmental Review Comments and Conditions.

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; and the Negative Declaration contained in the project file.

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

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Implementation of the project described herein will affect changes to native and non-native plant life and soils.

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

4. **FINDING:** That in approving the final map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: The applicant will be required to comply with the Inclusionary Housing Ordinance as a condition of approval (see Condition 40).

5. **FINDING:** The recommended conditions regarding Inclusionary Housing, recreation requirements, and underground utilities have been applied to ensure that the health, safety, and welfare is preserved and protected.

EVIDENCE: Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance) (see Condition No. 40).

EVIDENCE: Section 19.12.010 of the Monterey County Code (Recreation Ordinance) (see Condition No. 39).

EVIDENCE: Section 19.10.095 of the Monterey County Code (underground utilities) (see Condition No. 18)

6. **FINDING:** That none of the findings found in Section 19.03.025.F of the Monterey County Code Title 19 Subdivision Ordinance can be made.

EVIDENCE: Section 19.03.025.F 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, Local Coastal Program, and the North 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 project. Each of the five parcels to be created meet the minimum area of 5 acres.

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. Traffic Analysis for Blackie Meadow Estates, Monterey County, California, Higgins Associates (July, 2001)
- b. Geotechnical Investigation for Residential Construction, Blackie Meadows Estates, Blackie Road. APN: 133-013-020 Monterey County, California, Haro, Kasunich and Associates, Inc. Geotechnical & Coastal Engineers, Project No. M7274, September 2000.
- c. Project Specific Hydrology Report, Mr. Stan Silva, Jr. Project (PLN990227) Monterey County, California. Prepared for the County of Monterey Health Department. Geomatrix Consultants, August 2001. Project 007183
- d. Habitat Assessment for Blackie Meadow Estates: Results of Habitat Assessment for California Red-legged Frog on Blackie Meadow Estates Site. Dana Bland & Associates, Consulting Biologists, September 23, 2002.

EVIDENCE: 1) The on-site inspection of the parcel by the project planner.

2) Maps and application contained in the project file.

EVIDENCE: Evidence for Findings 1, 2 and 5 above.

7. **FINDING:** The remainder parcel as referenced on this tentative parcel map is consistent with the General Plan, North County Land Use Plan (Coastal) and North County Area Plan. Further, the

remainder parcel conforms to Chapter 1, Section 19.01.080 (a) and (b) of Title 19 (Subdivision Ordinance) and conditions imposed for the remainder parcel are hereby found to ensure the public health and safety and are a necessary prerequisite for the orderly development of the surrounding area.

EVIDENCE: The North County Land Use Plan (Coastal) and North County Area Plan designates the remainder parcel as Rural Density Residential 5-40 Acres/Unit, and Rural Density Residential 5+ Acre/unit. The size of the remainder parcel is 14.84 acres. The remainder parcel shall not be subsequently sold, leased, financed or otherwise developed until such time as improvements are required by Condition 16. These conditions include road access improvements, water system improvement and expansion, proof of adequate sewage disposal, adequate drainage systems for newly created impervious surfaces, conformity with General Plan Policies regarding the siting of any proposed structures, scenic dedication for slopes in excess of 30% (and 25% for portions of the Remainder Parcel in the North County Land Use Plan) and rezoning to a “B-6” combining zoning district. As a further condition to development of the remainder parcel, a conditional Certificate of Compliance shall be filed.

8. **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, North County Fire District, and Water Resources Agency. 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 Transportation and Traffic. No other significant issues have been identified for the project.

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

9. **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 (20.70 Coastal Development Permits) and any zoning violation abatement costs have been paid.

EVIDENCE: Memo from the Department of Health, dated October 3, 2000 clearing a code violation. A mobile home had been placed on the property without permits and was abated by the owner. (File 99-126)

EVIDENCE: Site visit and inspection by Planner.

10. **FINDING:** The project is appealable to the California Coastal Commission.
EVIDENCE: Approximately ten acres of the remainder parcel are within the Coastal Zone, making the project subject to a Coastal Development Permit. Subdivisions are listed as Conditional Uses for Coastal Development Permits and appealable to the Coastal Commission.
EVIDENCE: Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan Part 1 (Title 20).

DECISION

THEREFORE, the Subdivision Committee recommends to the Planning Commission that said Combined Development Permit and Mitigated Negative Declaration be granted, subject to the following conditions:

1. The subject Combined Development Permit consists of a Coastal Development Permit for a subdivision and a Standard Subdivision to create 5 new residential parcels and a remainder, with a water system. Proposed Lots 1, 3, 4, and 5 are each approximately five acres; Lot 2 is 9.58 acres in area, and the remainder parcel is proposed to be 14.84 acres in area. Approximately 10 acres of the remainder parcel adjacent to Blackie Road is within the Coastal Zone. The project is located on Blackie Road approximately 2000 feet west of Highway 101, and approximately 200 feet west of Rolling Meadows Lane, (Assessor's Parcel Number 133-013-020-000).

The project is 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 specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

2. Prior to development or improvements to the Remainder Parcel, the applicant shall apply for and obtain a Conditional Certificate of Compliance from the County of Monterey. **(Planning and Building Inspection)**

Prior to recordation of a Final Map:

3. 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, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be

required by a court to pay as a result of such action. 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. **(Planning and Building Inspection)**

4. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275. This fee shall be paid within five days of project approval**, before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection)**
5. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan, including payment of the \$840 fee for the County of Monterey to monitor compliance with mitigation measures. **(Planning and Building Inspection)**
6. The applicant shall apply make a formal application, inclusive of paying the appropriate fees to rezone Parcels 1, 2, 3, 4 and 5 of the subject property to "B-6." There will be no further subdivision of these five parcels (under the RDR/5.1 and RDR/5 (CZ) zoning designations. **(Planning and Building Inspection Department)**
7. The applicant shall prepare formalized Improvement Plans which shall include and incorporate all relevant conditions of approval and necessary physical structures required by the Environmental Health Department, Water Resources Agency, Public Works Department and other agencies as required of this map. All improvements shall be in accordance with Plans as approved by the County. **(Public Works; Planning and Building Inspection)**
8. The Improvement and Grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
9. The tank site (to be shown on Improvement Plans) shall be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and a plan for such improvements be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

10. The sub divider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company and Pacific Bell. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. **(Public Works)**.
11. That all natural drainage channels be designated on the final map (and Improvement Plans) by easements labeled "Natural Drainage Easements." (Easements may vary from 5-20 feet in width) **(Public Works)**
12. The private right-of-way shall be 60 feet wide and paved in accordance with the typical sections shown on the tentative maps. (The length of paving of the private right of way {to Lot 5 or beyond} will be determined upon review of Improvement Plans by the Public Works Department.) **(Public Works)**
13. Construct 150 feet of acceleration deceleration tapers on Blackie Road at the project entrance. **(Public Works)**
14. Widen the shoulder on the north side of Blackie Road directly across from the project access road subject to the approval of the Department of Public Works. **(Public Works)**
15. A note shall be placed on improvement Plans that, the front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems. This shall be the responsibility of the developer if the developer is also the builder. If not, a notice shall be recorded on the deed for each lot to inform future builders of this requirement. **(Water Resources Agency)**
16. A Road, Drainage and Water System Maintenance Agreement shall be entered into by the owners of the proposed lots and remainder parcel, subject to deed restrictions. Prior to the conveyance of any lots in the subdivision, developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation pro rated on the basis of the remaining number of lots still owned by the developer. Developer's obligation shall cease upon the conveyance of the last lot in the subdivision. An agreement to this effect, running with the land, shall be recorded between developer and the County of Monterey prior to recordation of the final map. **(Water Resources Agency)**
17. A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent and shall be shown on the final map. The scenic easement deed is to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits. **(Planning and Building Inspection Department)**

18. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code.” Such facilities shall be installed or bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
19. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “A Traffic Analysis, Geotechnical Investigation, Project Specific Hydrological Report and Biological Habitat Assessment Report, have been prepared for this property as listed below, and are on file in the Monterey County Planning and Building Inspection Department, Coastal Office. The recommendations contained in said reports shall be followed in all further development of this property.”
- a. Traffic Analysis for Blackie Meadow Estates Monterey County, California, Higgins Associates (July, 2001)
 - b. Geotechnical Investigation for Residential Construction Blackie Meadows Estates Blackie Road. APN: 133-013-020 Monterey County, California, Haro, Kasunich and Associates, Inc. Geotechnical & Coastal Engineers, Project No. M7274, September 2000.
 - c. Project Specific Hydrology Report, Mr. Stan Silva, Jr. Project (PLN990227) Monterey County, California. Prepared for the County of Monterey Health Department. Geomatrix Consultants, August 2001. Project 007183
 - d. Habitat Assessment for Blackie Meadow Estates: Results of Habitat Assessment for California Red-legged Frog on Blackie Meadow Estates Site. Dana Bland & Associates, Consulting Biologists, September 23, 2002.

The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all Improvement Plans and permits. **(Planning and Building Inspection; Public Works)**

20. The site shall be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of Planning and Building Inspection. Landscaping plans to be approved by the Director of Planning and Building Inspection prior to recordation of the final map or the issuance of building permits. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “A landscape plan has been approved the Director of Planning and Building Inspection.” This note shall also be included on all improvement plans and applicable permits. **(Planning and Building Inspection)**

21. A landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. **(Planning and Building Inspection)**
22. All streetlights in the development shall be approved by the Director of Planning and Building Inspection. Any proposed fixtures shall be shown on Improvement Plans. **(Planning and Building Inspection)**
23. The property owner shall provide adequate access to the tank site, subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
24. The location of the tank shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
25. The water connections shall be made only to legal lots created through minor or standard subdivision approval. (This does not include the remainder parcel as it is not being “created” through this process). **(Planning and Building Inspection)**
26. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The sub divider and subsequent property owners shall comply with Ordinance No. 3532 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction include, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 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.
 - 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.”This note shall also be included on all improvement plans. **(Planning and Building Inspection and Water Resources Agency)**
27. The applicant shall record a notice that states: “A permit (Resolution No. 03002) was approved by the Board of Supervisors for Assessor's Parcel Number 133-013-020-000 on January 9, 2003). The permit was granted subject to **47** 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.” Alternatively, this note shall be included on a separate

sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits, recording of the final map, or commencement of the use. **(Planning and Building Inspection)**

28. The sub divider shall pay a fair share financial contribution towards the provision of a designated eastbound left-turn lane on Blackie Road at Prunedale South Road. This contribution will be estimated based on the one eastbound left-turn trip to be generated by the project during the PM peak hour relative to the total cumulative eastbound left-turn movement volume during the same peak hour (i.e., 8 trips or 48 trips without or with the Prunedale South/North connection, respectively). **(Public Works) MM#1.**
29. The sub divider shall pay a fair share financial contribution towards the implementation of the planned Prunedale South Road/Prunedale North Road connection. This will be based on the project generated one eastbound left-turn trip during the PM peak hour relative to the cumulative PM peak hour volume in both directions on Prunedale Road in the vicinity of the interchange of Highway 156 and Highway 101. **(Public Works) MM#1.**
30. The sub divider shall pay a fair share financial contribution towards the establishment of the proposed improvements to the existing Highway 101 alignment (i.e., the proposed Alternative 2 presently being evaluated by CalTrans and other agencies) including grade separation at Blackie Road/Highway 101. Or, provide a fair share financial contribution towards the establishment of the Highway 101 bypass (i.e., Alternative 4). Cumulative volume forecasts for these two alternatives can be obtained from the AMBAG travel demand-forecasting model. Proper estimates of the costs associated with the implementation of each of the two alternatives are expected to be made available by CalTrans in late August 2001. **(Public Works) MM#1**
31. If the water system improvements are to be installed rather than bonded, obtain a new or amended water system permit from the Division of Environmental Health prior to filing the final map. Or, if the water system improvements are to be bonded, obtain a permit to construct a water system from the Division of Environmental Health prior to filing the final map. **(Environmental Health)**
32. Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. **(Environmental Health)**
33. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation or bonding of water system improvements. **(Environmental Health)**

34. The developer shall install or bond the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. **(Environmental Health)**
35. Prior to filing the final map, submit plans for surface and subsurface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. **(Environmental Health)**
36. Prior to filing the final map, submit a detailed disposal system design for lots 1-5 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. **All lots shall show a dual system to be installed at the time of initial construction. Lots 1-3 shall be designed for 10 foot flows. Lots 4 and 5 shall be designed for 5 foot flows. (Environmental Health)**
37. Concurrent with map recordation, the applicant shall record a deed notification with the Monterey County Recorder for Parcel(s) 1-5 indicating that:
- "An approved septic system design is on file at the Division of Environmental Health, File Number PLN 990227, and any future development or expansions on this property shall be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health."
(Environmental Health)
38. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts. The plan shall include road improvements and subdivision detention facilities to mitigate the impact of impervious surface storm water runoff. The detention pond shall be fenced for public safety. The Drainage Plan shall incorporate the recommended conditions and improvements of the Project Specific Hydrological Report prepared for the Blackie Meadow Estates Project as approved by the Water Resources Agency and Environmental Health Department (Geomatrix Consultants, August 2001. Project 007183) The conditions from this report are as follows: **(Water Resources Agency; Planning and Building Inspection)**
- Constructing project roads and gutters to capture and direct more storm water run-off into the existing basin;
 - Constructing features such as roof and driveways at the individual residences to direct more storm water runoff into the existing basin;
 - Increasing the height of the basin berms to increase basin capacity as necessary;
 - Eliminating to reducing the loss of water from the existing outlet pipe;
 - Reducing direct evaporation and phreatophytic usage of basin water; and
 - Conducting regular maintenance of the basin to promote water infiltration (such as periodic removal of accumulated fine-grained sediment and organic materials on the basin floor).

39. Prior to the filing of a Final Map, the Applicant shall comply with the recreation requirements contained in Section 19.12.010 of the Subdivision Ordinance (Title 19 Monterey County Code) **(Parks Department)**
40. The applicant shall comply with the requirements of the Inclusionary Housing Ordinance, by payment of an in-lieu fee, or provision of an inclusionary unit, prior to filing of the final map. **(Planning and Building Inspection)**
41. Certification that storm water detention 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. **(Water Resources Agency)**
42. The following conditions of approval from the North County Fire District shall be demonstrated:
 - a. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Fire District)**
 - b. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Fire District)**
 - c. Size of letters, numbers and symbols for street and road signs shall be a minimum 4 inch letter height, 1/2 inch stroke, and shall be a color that clearly contrasts with the background color of the sign. All numerals shall be Arabic. **(Fire District)**
 - d. Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. **(Fire District)**
 - e. Newly constructed or approved public and private roads and streets shall be identified in accordance with provisions of Monterey County Ordinance No. 1241. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. **(Fire District)**
 - f. Where multiple address are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. **(Fire District)**
 - g. The provisions of this section shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. **(Fire District)**

- h. Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. **(Fire District)**
 - i. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. **(Fire District)**
- 43. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
- 44. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled." **(Planning and Building Inspection)**
- 45. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition." **(Planning and Building Inspection)**
- 46. Prior to issuance of building permits on any of the parcels approved with this subdivision, the applicant shall record a deed restriction attributed to the Remainder Parcel that:
 - "Prior to development or improvements being made to the Remainder Parcel, the applicant shall apply for and obtain a Conditional Certificate of Compliance from the County of Monterey." **(Planning and Building Inspection: Subdivision Committee)**
- 47. No trees were approved for removal with this subdivision. Sufficient areas for building locations, structures and driveways exist within the subdivision to not necessitate tree removal. A note shall be placed on the final map reflecting that:
 - "Proposed building locations for each of the approved lots shall not interfere with or compromise existing trees." **(Planning and Building Inspection: Subdivision Committee)**

PASSED AND ADOPTED this 9th day of January, 2003, by the following vote:

AYES: Mulholland, Main, Lawrence, Brandau, McPharlin
 NOES: None
 ABSENT: Hori

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. 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 APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.04.040, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON January 9, 2005. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

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 90th 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 Monterey.

2. This permit expires two years after the above date of granting thereof unless construction or use if started within this period.