

EXHIBIT M REVISED FINDINGS AND CONDITIONS

Modify Finding 26v. as follows:

- 26v. Public Services and Utilities: Increased Demand for Recreational Services (Public Services and Utilities Impact 1) (REIR Chapter 4.13).** The proposed project would result in introduction of approximately 350 people into the project area, which in turn would result in increased demand for recreational facilities. The County currently operates and maintains 19,400 acres of land and water for public recreation, which will serve the future recreational needs of September Ranch residents. However, according to Monterey County Code section 19.12.010, residential development applicants are required to provide land dedication or pay in lieu fees to provide active park and recreation improvements that reasonably serve the residents of new subdivisions; under the applicable formula, the September Ranch project as proposed is required to dedicate 1 acre of land for active park and recreational uses.

The project as proposed would retain approximately 783 acres of the 891 acre project site as open space. Open/common space areas accessible to all September Ranch residents would be dispersed throughout the project site. If the applicant provides park and recreation improvements to the land, the value of improvements together with any equipment located thereon shall be a credit against the payment of fees or dedicated land. The applicant will be required to provide a tot lot to serve the inclusionary units. The open space and trail system on the property will provide additional open space/recreational opportunities. The applicant has offered to dedicate a park parcel (Parcel C) at the base of Roach Canyon to Monterey County Parks and Recreation Department as well as a trail easement from that entry point to Jack's Peak Regional Park. Access to Jack's Peak Regional Park from properties proposed at the northern portion of the property will be limited to the Parks Department trail easement or emergency evacuation along the existing ranch roads.

Conditions designed to address potential impacts to recreation generally start at Condition 105 and require, among other things, clearing and dedication of Parcel C to the Monterey County Parks Department; dedication of a twenty (20) foot public recreational trail easement over the subdivided property, generally along the westerly boundary of the project; designation of certain trails as private and precluding private trails from accessing Jack's Peak Regional Park; and dedication of land and recreation improvements in accordance with the provisions contained in Section 19.12.010 (D) for park and recreation purposes reasonably serving the residents of the inclusionary housing units, and related actions. These conditions overlap with and implement the following mitigation measures:

Mitigation Measure 4.13.5-1. The applicant shall dedicate land for recreational uses prior to recordation of the final map.

Mitigation Measure 4.13.5-2. The applicant, in coordination with the Parks Department, shall dedicate trail easements to the County for the connection of future trails with existing trails. The new public recreational trail shall, at a minimum, accommodate future and feasible connections to Jack's Peak Regional Park trail route and the

possibility of other regional trail links to facilitate a regional trail system as outlined in the Greater Monterey Peninsula Area Plan.

Mitigation Measure 4.13.5-3. Any agreed upon trail easement/alignment shall be identified on the tentative map for approval by the Parks Department and on the Final Map for recordation.

Approval of the selected 73/22 Alternative will reduce the population increase and demand for recreational services identified in the Revised EIR, thereby increasing the benefit of the conditions and mitigations. With the above measures, based on the Revised EIR and all of the information in the record, the Board finds that this impact has been mitigated to less than significant.

Modify Finding 29b. as follows:

29b. Cumulative Impacts To Water Supplies and Aquatic Biological Resources. The cumulative impacts analysis for water supply and aquatic biological resources was updated in two ways in response to comments. First, some foreseeable units remaining within Quail Meadows subdivision were added to cumulative water use in response to comments identifying these as reasonably foreseeable. Second, County staff indicated that the units identified for the “Dow” development are no longer reasonably foreseeable. Removing the Dow development and adding in Quail Meadows, the cumulative analysis was essentially the same (total cumulative water use was lower than the original estimate by a small amount). In the interest of providing all information likely to be requested by the public, the Revised EIR also presented a cumulative analysis that included both the Dow and Quail Meadows developments, in which cumulative water use was approximately 15 AFY more than presented in the Recirculated Draft Revised EIR. As indicated in the response to comments in the Final Revised EIR, translated into potential reductions in the Carmel River, even this unlikely scenario would not exceed the significance threshold because it would not adversely affect the key value of the River habitat below RM 3.6 as a migratory corridor from November through May. The same conclusion applies to maximum potential impact during an extended drought period. The calculations for a “worst-case” (albeit unlikely) potential project impact to Carmel River flows of 0.034 cfs (winter migration period) to 0.14 cfs (dry period/no steelhead value) were presented in the Revised EIR. Subsequently, the calculations were reviewed to ensure accuracy, at which time the project impact analysis was confirmed and the following clarification provided; specifically, it is clarified for the record that the 0.275 cfs cumulative impact (Recirculated Draft Revised EIR, Chapter 5.0 and Final Revised EIR, Tech. Memo 6, Rev. 3.) is premised on limited connectivity between the SRA and CVA. As identified in Exhibit P in the November 14, 2006 staff report, under 1:1 analysis, a “worst case” cumulative impact on a 1:1 basis would be 0.364 cfs, which would occur only in a month similar to October 2000 (dry period/no steelhead value). The difference between 0.275 and 0.364 cfs does not change the less-than-significant conclusion of the Revised EIR for several reasons. As described in the Revised EIR, if river flow is affected at all it would only be downstream of RM 3.6, an area in which the primary value for steelhead is for passage during the winter months of November through May; the cumulative impact during that period remains as identified in the Revised EIR. Second, according to the historical record the river is dry in a month similar to October 2000, except for a single day during which average daily river flows were higher (approx. 4.4 cfs); during those dry months the “worst case” cumulative effect would be approximately .5 inch in the water table which, given corresponding depths to groundwater (e.g., approximately 17 feet in October 2000), would not significantly affect

underground water supplies, riparian vegetation or other environmental resources. Consequently, the supplemental calculations simply confirm and clarify the analysis and conclusions contained in the circulated Revised EIR, and do not constitute significant new information affecting the severity of existing significant impacts, or implicating new significant impacts, nor do the supplemental calculations result in new mitigation measures for significant impacts, or otherwise meet the standards for recirculation under CEQA.

Modify the conditions (with the same number),
in Exhibit B-1 of the October 3, 2006 staff
report, as shown on the following pages

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
20.		<p>PBDSP005 – SUBDIVISION BUILDING ENVELOPE APPROVAL (NON-STANDARD CONDITION)</p> <p>Prior to filing the final map, the applicant shall prepare a plan to be approved by the Director of Planning and any other applicable department heads or division chiefs. The plan shall: 1) show the building envelope, including the general location of each driveway, in 3-dimensions; 2) define the boundaries of the scenic easement (everything outside of the building and development envelope); 3) identify the lot number from the final map, lot size & building envelope size; 4) identify any slopes 30 % or greater (the building envelope should exclude all 30 percent slopes but there may be small areas with slope in the development envelope); 5) identify all the trees with biological significance, as identified in the EIR or biological reports, or that provide visual screening; 6) establish maximum building dimensions, height, and location to avoid ridgeline development; 7) identify natural vegetation that should be retained including trees on Lots 68, 69, 71 and 72 within the vicinity of Jack’s Peak County Park; 8) identify landscape screening as appropriate, including minimizing views of the building site from Jacks Peak Park. For Lots 68, 69, 71 and 72, building envelopes shall be reduced in size, if necessary, to ensure that structures will not be visible from the East Picnic Area and the Earl Moser Trail within Jack’s Peak County Park. Any parcel where ridgeline development cannot be avoided shall be eliminated from the Final Map. With respect to trees and vegetation removal, the target disturbance goal is to limit disturbance to an average of 0.33 acres per lot. Notes should be included on each site plan indicating that discretionary permit approval and design approval is required for development of each lot prior to issuance of a building permit. A note shall be placed on an additional sheet of the final map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions. (RMA - Planning Department)</p>	<p>The Applicant shall prepare a plan that characterizes the building envelope for each of the lots with respect to environmental parameters, slopes and scenic easements. The driveway access shall be incorporated into the building envelope.</p> <p>The tree and vegetation removal disturbance goal shall be achieved through monitoring related to Conditions 3 and 21 and Mitigations Measures 4.9-1, and 4.9-4 through 4.9-11.</p> <p>Plan shall be reviewed and approved by the Director of Planning.</p> <p>The terms of this condition shall be included as a note on an additional sheet of the final map and in the CC&Rs.</p> <p>Submit CC&Rs to the Planning Department for review and approval.</p>	Owner/ Applicant	Prior to filing the final map	

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23.		<p>PBDSP028 – WATER TANK APPROVAL (NON-STANDARD CONDITION) Prior to the issuance of building permits, the water tank location and design shall be subject to the approval of the Director of Planning. The water tank shall be painted a color to blend into the area and screen from view. Tanks shall be located such that they cannot be visible as ridgeline development and the visibility shall be minimized by location and landscaping (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of Planning. Using existing vegetation and topography, any tanks shall not be visible from the East Picnic Area and the Earl Moser Trail within Jack’s Peak County Park. The tanks may be buried or partially buried to achieve this standard. (RMA – Planning Department)</p>	Submit proposed location and design to the Planning Department for review and approval. The locations and height of the water tanks shall be staked and flagged.	Applicant/ Owner	Prior to recordation of final map or approval of subdivision improvement plans for that phase, whichever occurs first.	
			Submit proposed color of water tank and landscaping to the Planning Department for review and approval.	Applicant/ Owner	Prior to the issuance of grading and building permits	
			Provide evidence to the Planning Department that the water tank is painted as approved and that landscaping was installed as approved by the Planning Department.	Applicant/ Owner	Prior to final inspection or occupancy.	
37.		<p>PBDSP021 – “B-6” COMBINING DISTRICT (NON-STANDARD CONDITION) Prior to the filing of the final map, the applicant shall request in writing that the northerly 494 acres currently zoned "RDR/10-D-S-RAZ" be rezoned to "RDR/B-6-D-S-RAZ" and that the southerly 393 acres zoned LDR/2.5-D-S-RAZ be rezoned to LDR/B-6-D-S-RAZ. (RMA - Planning Department)</p>	Applicant shall submit an application to the County of Monterey to rezone the property and receive approval from the Board of Supervisors for the rezoning.	Engineer/ Owner/ Applicant	Prior to filing of Final Map(s)	

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106.		<p>PKS004 – RECREATIONAL TRAILS EASEMENT</p> <p>Prior to recordation of the first Final Map, the Applicant shall offer to dedicate a twenty (20) foot public recreational trail easement over the subdivided property, generally along the westerly boundary of the September Ranch Subdivision, for the purpose of providing public access from Carmel Valley Road to Jack’s Peak County Park. The trail easement shall be offered to the County through an Irrevocable Offer to Dedicate Agreement, which shall set forth the terms, conditions, restrictions and subsequent use and location of the public recreational trail. The specific trail alignment shall be located entirely within the trail easement as described and shown on the Applicant’s Final Map. The Director of Parks and the Director of Planning shall approve the final alignment for the trail easement, which will generally follow the alignment shown on the Vesting Tentative Map. The trail easement shall not be opened to the public for trail access until such time as the County accepts the trail easement under the terms and conditions of the Irrevocable Offer to Dedicate, and thereafter assumes the responsibility for the public trail. (Parks and RMA - Planning Department)</p>	<p>Contact and meet with the Parks Department and the Planning Department to formulate the public recreation trail easement after receipt of IDR comments. Planning and Parks will have copies of the IDR comments for review by the owner/applicant.</p>	Owner/Applicant	Upon receipt of Parks and the Planning Department IDR comments.	
			<p>Submit Irrevocable Offer to Dedicate, as described, to the County, and have it conform to the requirements of and approved by the Director of Parks.</p>	Owner/Applicant	Prior to recordation of the final map	
108.		<p>PKSSP003 – RECREATION REQUIREMENTS/ LAND DEDICATION (NON-STANDARD CONDITION)</p> <p>Prior to recordation of the first Final Map, the Applicant shall comply with Section 19.12.010 - Recreation Requirements - of the County Subdivision Ordinance, Title 19, Monterey County Code, by dedicating land and recreation improvements in accordance with the provisions contained in Section 19.12.010 (D) for park and recreation purposes reasonably serving the residents of the inclusionary housing units. The Applicant shall also provide the Parks Department with a recreation plan and cost estimate for the improvements to be made on the dedicated parcel(s).</p>	<p>The applicant shall submit a recreation plan and cost estimate for the improvements to be made on the dedicated parcels(s) to Parks Department for review and approval.</p>	Owner/Applicant	Prior to the recordation of the first Final Map	

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		<p>a) A park and recreation plan shall be prepared by the Applicant for review and approval by the Director of Parks. The final approved park and recreation plan shall be recorded as part of the first Final Map. The plan shall delineate park and recreation structures, tot lot location, park improvements and landscaping components with a cost estimate for each park site. The recreation plan shall also indicate the phasing and construction schedule for each park site. The park and recreation structures, tot lot, park improvements and landscaping shall be installed prior to the first occupancy permit is issued for the inclusionary housing units.</p> <p>b) Prior to recordation of the first Final Map, the Applicant shall provide the County with adequate security in the form of a performance bond or other suitable security acceptable to the County of Monterey in the amount of one hundred percent (100%) of the costs for the park and recreation improvements shown on the recreation plan.</p> <p>c) Prior to recordation of the first Final Map, the Applicant shall provide the Director of Parks with a park and recreation facilities maintenance and operation plan. The purpose of this plan is to assure the County that the park and recreational facilities will be maintained and operated for the enjoyment, health and safety of the residents of the inclusionary housing units with an appropriate funding source and maintenance entity. (Parks Department)</p>	<p>A park and recreation plan shall be prepared by the Applicant for review and approval by the Director of Parks.</p>	Owner/ Applicant	Prior to the recordation of the first Final Map	
			<p>The Applicant shall provide the County with adequate security in the form of a performance bond or other suitable security acceptable to the County of Monterey in the amount of one hundred percent (100%) of the costs for the park and recreation improvements shown on the recreation plan.</p>	Owner/ Applicant	Prior to the recordation of the first Final Map	
			<p>A park and recreation facilities maintenance and operation plan shall be prepared by the Applicant for review and approval by the Director of Parks.</p>	Owner/ Applicant	Prior to the recordation of the first Final Map	

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187.	4.13.5-1	PUBLIC SERVICES AND UTILITIES The applicant shall dedicate land for recreational uses prior to recordation of the final map. (Parks Department)	The applicant shall coordinate with the Monterey County Parks Department on the dedication of land and the location of trail easements and identify such easements on the final map.	Applicant	Prior to recordation of the final map.	
191.	5-1	CUMULATIVE IMPACTS – TRANSPORTATION AND CIRCULATION The applicant shall pay a fair share contribution towards the improvements at the intersection of Highway 68/Laureles Grade Road. (RMA – Public Works)	Pay fair share fee to the Public Works Department.	Applicant	Prior to the issuance of each building permit.	