

Board Agenda Packet 09-27-18  
Supplemental Materials

1. Amended Resolution 2018-43
2. Staff Report "September Ranch Proposal – Additional Materials"
3. Amended Resolution 2018-44
4. California Health & Safety Code Section 6512
5. Monterey County RMA – Planning Department Condition Compliance & Mitigation Monitoring and Reporting Plan

RESOLUTION NO. 2018-43 (AMENDED)

A RESOLUTION ADOPTING A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$100,000 TO ASSIST MONTEREY COUNTY IN CARMEL LAGOON SANDBAR MANGEMENT FOR FISCAL YEAR 2018-19 AND TO CONSIDER FUNDING UP TO 1/3 OF SANDBAR MANAGEMENT COSTS ANNUALLY THEREAFTER **CONDITIONED UPON THE BOARD OF SUPERVISORS APPROVAL TO UNDERTAKE FORMATION OF AN ASSESSMENT DISTRICT**

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WHEREAS, the Board of Directors recognizes the need to manage the sandbar in the Carmel Lagoon to protect the Treatment Plant from flooding due to the lagoon backing up and desires to maintain lagoon elevation at no more than 12 feet; and

WHEREAS, the Board of Directors has listened to staff testimony and reviewed the staff report regarding the necessity to assist the County financially in this effort; and

WHEREAS, the Board finds that the necessity of Carmel Lagoon Management requires the District to participate in funding the effort; and

WHEREAS, the Board fully anticipates the County of Monterey will attempt to form an Assessment District and encourage other property owners around the Carmel Lagoon to participate in these efforts at sandbar management and flood control; and

WHEREAS, staff has testified to the satisfaction of the Board that the District has the ability to contribute up to \$100,000 in the current fiscal year and that it is an appropriate use of District funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the

Carmel Area Wastewater District, as follows:

1. That the Board authorizes an expenditure of up to \$100,000 in fiscal year 2018-19 for Carmel Lagoon Management; and
2. That the Board authorizes the use of the Contingency line item for fiscal year 2018-19 for Carmel Lagoon Management; and
3. That the Board supports the efforts of Monterey County in the formation of an Assessment District to manage the long-term costs of Carmel Lagoon Management; and
4. That the Board agrees to consider a conditional position to provide long term funding of Carmel Lagoon Management as part of its annual budget process only after the Board of Supervisors approves a resolution to undertake an assessment district.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Carmel Area Wastewater District duly held on September 27, 2018 by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS

ABSENT: BOARD MEMBERS:

ATTEST:

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President of the Board

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Secretary to the Board

# STAFF REPORT



To: Board of Directors

From: Barbara Buikema, General Manager

Date: September 27, 2018

Subject: September Ranch Proposal – Additional Materials

## DISCUSSION

Additional materials for the September Ranch Proposal on Board Agenda 09-27-18, Item #17

1. **Legal authority:** It's not clear if our legal authority under the Sanitary District Act allows us to deliver potable water. See Health and Safety Code Section 6512. Recommending here that counsel reaffirm our authority.
2. **Supply:** It is CRITICAL that we don't end up responsible for "supplying" water. In the development world a water "supply" deals with the rights to drill wells, water rights, water permits and the state of the underlying aquifer. It is quickly mired in its own world of laws, and regulations. Plus, all the numerous special regulations in Monterey County and the stringent conditions for this project. Using this term could make us responsible for securing water rights, drilling wells, performing long term proof of supply studies by third parties (condition #147 as one small example), etc. We must make it crystal clear it would be for OPERATION ONLY (distribution, treatment, maintenance and water quality compliance ONLY). I'd recommend that term "supply" be stricken from every CAWD document moving forward (unless it is to make it clear that the developer [and any subsequent entity] is responsible for securing the permits and water rights for supplies).
3. **MPWMD:** The staff report says nothing about obtaining a permit from the MPWMD. They have their own special world of conditions, testing, metering and reporting. More importantly it is not a given that the MPWMD will approve this in the first place. We should not find ourselves expending resources on fighting with MPWMD or the Health Department



4. **Permitting:** We must make it clear that the developer (or subsequent owners) must first obtain all needed permits for the **full** amount of water (57.21 acre-feet per year) **before** we take it over. Especially the permits from the Health Department and from the MPWMD. We should expect opponents to appeal, delay and even sue to stop this project. Otherwise we could become legally entangled in internecine land-use battles.
5. **Project conditions** (see attached County resolution): We must ensure we don't get tangled up in EIR mitigation monitoring and having to enforce conditions See: #33, #41, #45, #46, #58, #59, #146, #147, #189/190,
6. **Phasing and build out:** This will start with, say, 5 connections and then grow slowly over the years. How will Conditions #110, #118 and #120 (part 3) unravel over the decades of build-out? Also, we must, must assume that any agreements with the developer may become invalid over time. It is very common for the original "developer" to sell the development to a different entity (typically an LLP) which often then sells it to another LLP, etc. Any legal agreements should account for this.
7. **CAWD Board resolution with "approval"** is premature. For the reasons above I recommend an amended Resolution – see attached or to simply deny the request.

RESOLUTION NO. 2018-44 (AMENDED)

A RESOLUTION AUTHORIZING CONCEPTUAL APPROVAL TO CONDUCT A FEASIBILITY LEVEL ANALYSIS OF PROVIDING POTENTIAL WATER OPERATION SERVICE TO SEPTEMBER RANCH, AND ALLOWING STAFF TO INVESTIGATE THE REQUIREMENTS AND PERFORM DUE DILIGENCE WITH THE DEVELOPER, LAFCO AND A CONSULTING ENGINEER ON IMPLICATIONS FOUND IN MONTEREY COUNTY RESOLUTIONS AND THAT STAFF WILL REPORT BACK WITH FINDINGS AND REQUEST DIRECTION PRIOR TO PROCEEDING

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WHEREAS, the Board of Directors recognizes that there may be a strategic benefit to the District to undertake providing water service to September Ranch; and

WHEREAS, the Board of Directors has listened to staff testimony and reviewed the staff report regarding providing water service to September Ranch; and

WHEREAS, staff has testified to the satisfaction of the Board that the District has an interest in performing its due diligence in analyzing the September Ranch water system and is an appropriate use of District funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carmel Area Wastewater District, as follows:

1. That the Board grants its conceptual approval to conduct a feasibility-level analysis of providing potential water operation services for September Ranch; and
2. That the Board directs staff to work with Clear Peak to explore providing water service for the property and what the requirements might include; and
3. That the Board directs staff to engage with LAFCO to determine what

requirements are necessary to allow CAWD to provide water service to September Ranch; and

4. That the Board directs staff to engage a consultant with experience in potable water to assist in analyzing the costs to operate and maintain the proposed system for a minimum of 20 years. The costs of this review will be covered by the Developer of the Project.
5. The Board directs staff to research the implications of project conditions found in County Resolutions
6. Staff will report back to the Board with the analysis, a range of options and request direction prior to committing any further resources.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Carmel Area Wastewater District duly held on September 27, 2018 by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS

ABSENT: BOARD MEMBERS:

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President of the Board

ATTEST:

  

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Secretary to the Board

California Laws - Health and Safety Code

DIVISION 5. SANITATION

PART 3. COMMUNITY FACILITIES

CHAPTER 4. DISTRICT POWERS <sup>(15938)</sup>

Article 1. Generally (6510-6523.3) <sup>(15939)</sup>

6512. (a) A district may acquire, plan, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate garbage dumpsites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and water recycling and distribution systems, as the board deems necessary and proper, and in the performance of these functions, either in or out of the district, it may join through joint powers agreements pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, or through other means with any county or municipality or any other district or governmental agency. <sup>(15942)</sup>

(b) Before any garbage dump is established, the location shall first be approved by the county health officer, and, in addition, if the location is within two miles of any city, the consent of the governing body of the city shall first be secured. <sup>(15943)</sup>

(c) (1) If the district includes any part of a city, water district, or other local agency that provides water service to any territory in the district, the district shall not supply water service to the territory unless the district first obtains the consent of the city, water district, or other local agency. The consent shall not be revoked, if the revocation will result in a decrease of the revenues available to pay the outstanding bonds of the district. <sup>(15944)</sup>

(2) Paragraph (1) does not apply to the provision of recycled water by a district. <sup>(15945)</sup>

(3) (A) Subject to subparagraph (B), a district may not supply water service using recycled water to the territory of any part of a city, water district, or other local public entity providing water service, or commence construction of facilities for that service, prior to offering to consult with that city, water district, or other local public entity, and providing notification of availability for consultation. The obligation to consult terminates if that local public entity providing water service fails to make

itself available for consultation within 60 days of written notification to that local public entity. <sup>(15946)</sup>

(B) The consultation and notification requirements described in subparagraph (A) do not apply to a district if the district, prior to supplying water or commencing construction as described in subparagraph (A), provides notification to the local public entity pursuant to Section 65604 of the Government Code or submits a written request to the local public entity pursuant to subdivision (b) of Section 13580 of the Water Code. <sup>(15947)</sup>

(d) The Department of Water Resources may assist sanitary districts in applying for, and in obtaining approval of, federal and state funding and permits for cost-effective water recycling projects and shall confer and cooperate with the legislative body of the district during the application and approval process. <sup>(15948)</sup>



**EXHIBIT C-1**

**Monterey County RMA – Planning Department  
Condition Compliance and Mitigation Monitoring and  
Reporting Plan**

Project Name: September Ranch Combined Development Permit  
File Nos: PC95062 & PLN050001 APNs: 1) 015-171-010-000;  
2) 015-171-012-000; 3) 015-361-013-000; 4) 015-361-014-000  
By: Planning Commission Date: September 8, 2010

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

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)
1.		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>The September Ranch Partners Combined Development Permit (PC95062/PLN050001) allows 1) a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A &amp; C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal;</p> <p>2) a Use Permit for the public/commercial use of the equestrian center &amp; stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>Include statement in CC&amp;Rs.</p> <p>Submit CC&amp;Rs to the Planning Department for review and approval.</p>	Owner/ Applicant	Ongoing unless otherwise stated	

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31.		<p><b>PBDSP015 – DEVELOPMENT IN CONSERVATION AND SCENIC EASEMENTS (NON-STANDARD CONDITION)</b></p> <p>Development within conservation and scenic easements shall be limited to biological resource conservation, environmental mitigation, driveways and compatible common open space uses as determined by the Director of Planning prior to the issuance of building permits. (RMA - Planning Department)</p>	<p>Submit appropriate conservation and scenic easement deed to the Planning Department for review and approval by the Director of Planning.</p> <p>Record easement</p>	Owner/ Applicant	<p>Prior to recordation of the final map.</p> <p>Concurrent with final map</p>	
32.		<p><b>PBDSP016 – NON-NATIVE INVASIVES (NON-STANDARD CONDITION)</b></p> <p>Prior to filing the final map applicant shall submit CC&amp;Rs for review and approval of the Director of Planning which prohibit introduction of nonnative invasive plant species within any portion of proposed lots (such as acacia, French or Scotch broom, pampas grass), and prohibit introduction of any nonnative species outside the development/building envelope. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Submit CC&amp;Rs to the Planning Department for review and approval.</p>	Owner/ Applicant	Prior to recordation of final map.	
33.		<p><b>PBDSP017 – WATER INTENSIVE USES (NON-STANDARD CONDITION)</b></p> <p>Prior to filing the final map, applicant shall submit CC&amp;Rs for review and approval of the Director of Planning which prohibit water intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, washing of hard surfaces such as streets, gutters, sidewalks and driveways within any portion of proposed lots, open space parcels or on the Equestrian Center Parcel. (RMA - Planning Department)</p>	<p>The terms of this condition shall be included on an additional sheet of the final map and in the CC&amp;Rs.</p> <p>Submit CC&amp;Rs to the Planning Department for review and approval.</p> <p>Deed restriction shall be recorded on each parcel.</p>	Owner/ Applicant	Prior to recordation of final map.	



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40.		<p><b>PBDSP025 – CONNECTION TO CAL-AM PROHIBITED NON-STANDARD CONDITION)</b>  The applicant shall be prohibited from hooking up to the California-American Water Company System. (RMA - Planning Department)</p>	<p>Applicant shall form a public water system to deliver potable water to the subdivision.</p>	Owner/ Applicant	On-going	
41.		<p><b>PBD006 - DEED RESTRICTION - USE</b>  The applicant shall record the following deed restriction stating the use and regulations applicable to the Equestrian Center: "The Equestrian Center shall be owned by the September Ranch Homeowner's Association. The recreational uses on the 20.2-acre Equestrian Center Parcel (Assessor's Parcel Number 015-171-010-000) shall be subject to the following:</p> <ul style="list-style-type: none"> <li>• The property will provide recreational uses in perpetuity</li> <li>• Water use of no more than 3 acre-feet per calendar year for the Equestrian Center facility</li> <li>• Irrigation of pasture is prohibited</li> <li>• Boarding of a maximum of 50 horses</li> <li>• No more than 12 equestrian events per calendar year</li> <li>• Hours of operation shall be from 6:00 AM to 8:00 PM, 7 days per week October 1<sup>st</sup> to March 31<sup>st</sup> and 6:00 AM to 9:00 PM, 7 days per week from April 1<sup>st</sup> to September 30<sup>th</sup></li> <li>• Existing home shall be used as a caretaker unit or other use for public benefit, including, but not limited to, a Sheriff's Office Community Field Office, homeowner's association office or historical center</li> </ul> <p>The deed restrictions shall be adopted by the Board of Supervisors at the time of recordation of Phase 1 of the final map. (RMA - Planning Department)</p>	<ol style="list-style-type: none"> <li>1. Submit Deed Restriction to the Planning Department for review and approval.</li> <li>2. Record the deed restriction.</li> <li>3. The CC&amp;Rs shall include a note stating that a deed restriction describing what can be done in the Equestrian Center Parcel has been recorded. The CC&amp;R's shall also include a summary of allowable uses on the parcel.</li> <li>4. Submit CC&amp;Rs to the Planning Department for review and approval.</li> </ol>	Owner/ Applicant	Prior to recordation of Phase 1 of the final map. Restrictions and CC&Rs to be recorded with final map.	



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45.		<p><b>PBDS003 – WATER USE PLAN (NON-STANDARD CONDITION)</b></p> <p>The total water use within the subdivision shall not exceed 57.21 acre-feet per year (AFY). This is based upon the following:</p> <ul style="list-style-type: none"> <li>• 54.21 AFY for market-rate lots, inclusionary and workforce units, and the water treatment facility.</li> <li>• 3 AFY for the Equestrian Center Facility.</li> <li>• The applicant, or a public water system established by applicant, shall select a water treatment method that consumes the lowest amount of water feasible within the range of 0 to 10%.</li> <li>• The applicant, or a public water system established by applicant, shall conduct at least two audits each year for leaks and other water losses and shall repair all leaks and other water losses as soon as reasonably practical under the circumstances.</li> <li>• Prior to filing the final map for each phase, the applicant shall submit a Water Use Plan showing the proposed total fixture-unit-water demand estimate for each lot within that phase. The total fixture-unit-water demand estimates shall be based upon the Monterey Peninsula Water Management District (MPWMD) Residential and/or Commercial Water Release Form current water demand estimation methodology as codified in MPWMD Rules and Regulations. Before the final map for each phase will be approved, applicant must demonstrate the subdivision water use is within Pro Rata Expansion Capacity per MPWMD Rule 11. The plan shall be submitted to the Water Resources Agency and the Director of Planning for review and approval.</li> <li>• A deed restriction will be recorded ensuring the County and MPWMD access into the subdivision or onto any lot</li> </ul>	<p>The terms of this condition shall be included in the CC&amp;Rs. Submit CC&amp;Rs to the Water Resources Agency and the Planning Department for review and approval.</p> <p>Prior to each phase, the applicant shall submit a plan, showing the proposed total fixture-unit-water demand estimate for each lot, to the Director of Planning for review and approval. Fixture-unit water demand estimates shall be based upon the Monterey Peninsula Water Management District (MPWMD) residential-fixture-unit-values-and-landscape-water-budget calculation-current water demand estimation methodology as codified in the MPWMD Rules and Regulations. Applicant and subsequent owners of the respective lots shall be required to comply with the approved plan or any County-approved amendments to it.</p> <p>The final map for a phase will be denied unless the applicant demonstrates that subdivision water use is within the</p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Prior to filing the final map for each phase of the subdivision</p> <p>Prior to filing the final map for each phase of the subdivision</p> <p>Prior to filing the final map for each phase of the subdivision</p>	

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		<p>for purposes of monitoring water use and compliance, and in case of a water permit exceedance, access into any home for inspection of fixtures. <b>(Water Resources Agency and RMA - Planning Department)</b></p>	<p>requirements of MPWMD Rule 11 (or any equivalent rule in effect at the time).  A deed restriction will be recorded ensuring the County and MPWMD access into the subdivision or onto any lot for purposes of monitoring water use and compliance, and in case of a water permit exceedance, access into any home for inspection of fixtures.</p>			



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46.		<p><b>PBDS012 – WATER USE REPORT (NON-STANDARD CONDITION)</b></p> <p>A quarterly water use report shall be submitted to the Water Resources Agency and Director of the Planning. If any report demonstrates that actual water use for the entire subdivision is within 5% of the maximum entitlement, the Director of Planning shall submit the final map for any subsequent phase to the Board of Supervisors for a discretionary determination as to whether water supply is adequate for that phase. The Board may deny the final map for that phase, limit the number of lots approved, limit total fixture counts for the phase or for individual building permits and/or take other measures as appropriate in each phase based upon their review of the Water Use Plan and quarterly reports to ensure that the total use over the entire subdivision does not exceed 57.21 acre-feet per year (AFY). (Water Resources Agency and RMA - Planning Department)</p>	<p>The terms of this condition shall be included in the CC&amp;Rs. Submit CC&amp;Rs to the Water Resources Agency and the Planning Department for review and approval.</p> <p>The water system operator shall submit quarterly reports on January 31<sup>st</sup> (for the previous period October 1 through December 31), on April 30<sup>th</sup> (for the previous period January 1 through March 31), on July 31<sup>st</sup> (for the previous period April 1 through June 30), and on October 31<sup>st</sup> (for the previous period July 1 through September 30) to the Water Resources Agency and the Director of Planning for review and approval. The reports shall document and certify the monthly water use, in acre-feet, for each connection.</p>	Water System Operator	<p>On-going;</p> <p>Quarterly on January 31<sup>st</sup>, April 30<sup>th</sup>, July 31<sup>st</sup>, and October 31<sup>st</sup>.</p> <p>Monitoring shall cease at the end of the 5<sup>th</sup> year after build-out for the purposes of limiting buildout for non-compliance with the 57.21 AFY cap shall cease upon issuance of final building permit for subdivision.</p> <p>Monitoring for compliance with water use limitations shall be on-going.</p>	



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		<p>entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Valley Fire District)</b></p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
58.		<p><b>FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS</b>  The provisions of this condition 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. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available <b>(Carmel Valley Fire District)</b></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	



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59.		<p><b>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</b></p> <p>For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Carmel Valley Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
60.		<p><b>FIRE015 - FIRE HYDRANTS/FIRE VALVES</b></p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	
			<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	



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110.		<p><b>EH5 – INSTALL/BOND WATER SYSTEM IMPROVEMENTS</b></p> <p>The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. <b>(Environmental Health)</b></p>	<p>The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to filing final map</p>	
111.		<p><b>EHSP003 – WELL CONSTRUCTION PERMIT (NON-STANDARD CONDITION)</b></p> <p>Obtain a water well drilling permit from the Division of Environmental Health and construct two production wells for the water system. <b>(Environmental Health)</b></p>	<p>Submit the Well Completion Report to the Division of Environmental Health.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to filing the final map</p>	
112.		<p><b>EHSP004 – WELL LOTS (NON-STANDARD CONDITION)</b></p> <p>Submit a final map indicating the proposed well lots, water distribution, and access easements for the water system to the Director of Environmental Health for review and approval. Once approved, well lots and easements shall appear as part of the final map. <b>(Environmental Health)</b></p>	<p>Submit plans to the Division of Environmental Health for review and approval.</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to filing the final map.</p>	



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116.		<b>EHSP006 – SEWER SYSTEM IMPROVEMENTS (NON-STANDARD CONDITION)</b> Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the appropriate sewer service district. Flow and capacity assumptions for wastewater collection system must be verified in an Engineering Report submitted with improvement plans for review and approval by Public Works and EH. <b>(Environmental Health)</b>	Submit written verification to the Division of Environmental Health that plans have been reviewed and approved.	Owner/ Applicant	Prior to filing the final map	
117.		<b>EHSP007 – ANIMAL MANURE (NON-STANDARD CONDITION)</b> Animal Manure shall be removed or spread on a regular basis to prevent fly or other insect production. Manure shall not be collected or spread within 50 feet of down slope property lines and shall be managed to prevent any wastes entering any streams or water ways. <b>(Environmental Health)</b>	Submit a plan for removal and disposal of manure to the Director of EH for review and approval.  Implement the plan.	Owner/ Applicant	Prior to filing the final map.  Ongoing	
118.		<b>EHSP008 – CAPITAL IMPROVEMENT FUND FOR MUTUAL WATER COMPANY (NON-STANDARD CONDITION)</b> The developer shall deposit an amount equal to 15% of the entire project water treatment and distribution system total costs to a capital reserve account to pay for future equipment repairs and/or replacement costs. <b>(Environmental Health)</b>	Deposit the appropriate funds into a capital reserve account held in the name of the mutual water company. Provide evidence to the Division of EH that the funds have been deposited.	Owner/ Applicant	Concurrent with the incorporation of water system	
119.		<b>EH38 - SEPARATE RECYCLABLES</b> All persons shall separate all recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility (MCC 10.41.020.B). <b>(Environmental Health)</b>	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits/ Continuous condition	



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120.		<p><b>EHSP009 – ARTICLES OF INCORPORATION (NON-STANDARD CONDITION)</b></p> <p>1) The applicant shall record as to the entire property, prior to or in conjunction with subdividing the property, a document which demonstrates a clear intent on behalf of the owner of the property to reserve as to each and every parcel created any riparian and/or overlying groundwater rights that presently exist as to the property.</p> <p>2) The applicant shall draft articles of incorporation for the mutual water company for review and approval. The articles shall provide that, upon grant from the parcel owners (as described in (3) below), the mutual water company will serve water to each such parcel. The Articles shall be accompanied by documentation that an application has been filed for incorporation.</p> <p>3) The applicant shall record, as to each separate parcel to be created, (i) an agreement that no private wells will be drilled, and (ii) an express grant from the owner of the parcel to the mutual water company which authorizes the mutual water company to exercise on behalf of the parcel owner any riparian rights and/or overlying groundwater rights which are presently held by the owner of the parcel. <b>(Environmental Health and County Counsel)</b></p>	<p>1) Submit, for review and approval, a copy of the document, demonstrating a clear intent on behalf of the owner of the property to reserve as to each and every parcel created any riparian and/or overlying groundwater rights that presently exist as to the property.</p> <p>2) Submit a copy of the articles of incorporation for the mutual water company for review and approval. These shall be accompanied by documentation that an application has been filed for incorporation.</p> <p>3) Submit, for review and approval, a copy of the agreement that ensures that no private wells will be drilled and the grant from the property owner to the mutual water company which authorizes the mutual water company to exercise on behalf of the parcel owner any riparian rights and/or overlying groundwater rights which are presently held by the owner of the parcel.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to filing the first final map.</p> <p>Prior to filing the first final map.</p> <p>Prior to the issuance of a building permit for each parcel.</p>	



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145.	4.2-18	<b>GEOLOGY AND SOILS</b> Drainage control shall include provisions for positive gradients so that surface runoff is not permitted to pond, either above slopes or adjacent to building foundations. Surface runoff and runoff from roof gutters shall be collected in lined ditches, closed pipes, cisterns or drainage swales and shall be conducted adequately to a storm drain, paved roadway, or water course. ( <b>Water Resources Agency and RMA – Planning and Building</b> )	The applicant shall submit to the Monterey County Planning Department, Building Services Department and the Water Resources Agency, for review and approval, the drainage plan, which has been certified and approved by a registered civil engineer or architect.  The requirements of this mitigation measure shall be included as a note on all grading and building permits, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final map.	Applicant per civil engineer or architect	Prior to the issuance of grading or building permits.	
146.	4.3-1	<b>WATER SUPPLY AND AVAILABILITY</b> Water use on the property shall not exceed 57.21 AFY. ( <b>Water Resources Agency and RMA –Planning Department</b> )	The applicant, per the water system operator, shall document annual water use and submit reports to the Water Resources Agency and the RMA- Planning Department on a quarterly basis. <u>In addition to meeting all reporting requirements of MPWMD, the reports will separately detail the number of active connections of employee, inclusionary and market-rate houses, the monthly water use</u>	Applicant	On-going during the lifetime of the project.	



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			<p>(interior, exterior and combined) for each connection, the permitted water amount for the lot, identification of whether the home at each connection is under construction or has completed construction and is accepting routine water service. Upon request of RMA – Planning Department or MPWMD, the applicant, per the water system operator, shall make available the name and address information for any connection exceeding its permitted water limit; such disclosures will be made pursuant to a public nondisclosure agreement consistent with State constitutional privacy guarantees.</p> <p>If the quarterly water use reporting shows that the subdivision is exceeding its Pro Rata Expansion Capacity or a total of 57.21 AFY, RMA Planning will review individual water use to determine which lots are exceeding their permitted water amounts and will direct an enforcement</p>			

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147.	4.3-2	<p><b>WATER SUPPLY AND AVAILABILITY</b></p> <p>The location of future wells on the September Ranch project site shall be based upon the following:</p> <ul style="list-style-type: none"> <li>Wells will be located based on pumping tests designed and executed to yield information on the radius of influence of potential multiple pumping wells</li> <li>Project applicant will ensure that representative transmissivities for the three aquifer units are made available for informed decisions on placement of future wells to ensure new wells will not impact existing wells.</li> <li>Resource Management Agency (RMA) retains discretion to require drilling of replacement wells if it is demonstrated, to the satisfaction of RMA and the Environmental Health Division that the project wells result in impacts to an existing well in use as of the date of project approval. <b>(Environmental Health and RMA –Planning Department)</b></li> </ul>	<p>action or actions as appropriate to correct the overuse. Such actions may be initiated against the applicant, the water system operator, the lot owners, or each of them.</p> <p>Prior to the issuance of permits for future groundwater wells, the County of Monterey shall review and approve well site plans to ensure that the insertion of new wells will not have an impact on existing wells.</p> <p>The terms of this mitigation measure shall be included into the Articles of Incorporation for the mutual water company.</p>	Applicant	Prior to issuance of permits for new wells.	
148.	4.4-1	<p><b>HYDROLOGY AND WATER QUALITY</b></p> <p>Prior to the filing of the final map the applicant shall submit a drainage report and drainage plan for review and approval by the Director of Public Works Department (DPW) and the General Manager of the Water Resources Agency (MCWRA). The report is to include and show all</p>	<p>Applicant's Engineer shall prepare a drainage report and improvement plans for review and approval by DPW and MCWRA.</p>	Subdivider / Engineer	Prior to Recording of Final Map	



<p>189.</p>	<p>Director of Planning. Notes shall be included on each site plan and final map indicating that submission and approval of the Landscape Documentation Package for any lot is required for development of that lot prior to issuance of a building permit. Building permits will also specify ongoing compliance with the Ordinance, a requirement of dedicated landscape water meters and, for lots greater than 10,000 square feet, irrigation system controllers equipped with soil moisture sensors. (RMA - Planning Department)</p>	<p>controllers equipped with soil moisture sensors. Package shall be submitted to the Director of Planning for review and approval.</p> <p>Notes shall be included on each site plan and final map indicating that submission and approval of the Landscape Documentation Package for any lot is required for development of that lot prior to issuance of a building permit.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of building permits</p>
<p>189.</p>	<p><b>WRSP001 - WATER PERMIT (NON-STANDARD CONDITION)</b></p> <p>Prior to the issuance of a building permit, the property owner shall obtain an approved water permit for that lot from MPWMD and submit a copy of the approved permit to the RMA-Planning Department and the Monterey County Water Resources Agency. The issuance of the building permit is predicated on the following restrictions:</p> <ul style="list-style-type: none"> <li>• The building permit shall specify that no additional fixtures may be installed unless the property owner of the lot first obtains the necessary water permit amendment approved by MPWMD; and that no changes in type or location of landscaping or changes to the irrigation system will be made unless the property owner of the lot first submits sufficient evidence demonstrating that the modifications will not result in either an increase in annual water use or a reduction in water use efficiency, and obtains written concurrence from the RMA - Planning Department and MPWMD.</li> <li>• The building permit will specify that if such modifications are made without the necessary water permit amendment, a flow restrictor may be installed in the water meter or water supply providing water to</li> </ul>	<p>The Owner/Applicant shall obtain an approved water permit for that lot from MPWMD and submit a copy of the approved permit to the RMA-Planning Department and the Monterey County Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of building permits</p>

		<p>the property.</p> <ul style="list-style-type: none"> <li>• <u>The flow restrictor shall be installed to ensure a level of water use consistent with the fixtures and landscaping used to calculate the level of water use for the water permit.</u></li> <li>• <u>The flow restrictor shall not be removed unless the additional fixtures or other modifications are first removed or the property owner provides evidence satisfactory to RMA-Planning Department that water use will remain within the level consistent with the fixtures and landscaping approved in the water permit.</u></li> <li>• <u>Individual variances from flow restrictor requirements may be made for medical needs that are certified by a doctor.</u></li> <li>• <u>All costs for installation and removal of flow restrictors shall be charged to the property owner of the lot subjected to the action.</u></li> </ul> <p><u>(Water Resources Agency and RMA – Planning Department).</u></p>		
190.		<p><u>PBDS036 – WATER SUPPLY AND AVAILABILITY (NON-STANDARD CONDITION)</u>  <u>All toilets installed in Project lots shall meet the requirements of the U.S. Environmental Protection Agency's WaterSense Tank-Type High-Efficiency Toilet Specification. All clothes washing machines shall meet the requirements of the U.S. Environmental Protection Agency for ultra low flow devices. (Water Resources Agency and RMA –Planning Department)</u></p>	<p><u>The Owner/Applicant shall submit a copy of the building permit plans and the MPWMD Water permit to the RMA-Planning Department and the Monterey County Water Resources Agency for review and approval.</u></p>	<p><u>Owner/Applicant</u></p> <p><u>Prior to the issuance of building permits</u></p>