

Attachment C  
Recommended  
Conditions of Approval

Charles Martin  
PLN070197

Board of Supervisors  
June 19, 2012



# Monterey County Planning Department

## Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN070197

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

This Combined Development Permit (PLN070197) allows: (1) a Lot Line Adjustment of Williamson Act Lands consisting of the removal of 0.68 acres from two existing parcels under Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 07-005 (Assessor's Parcel Numbers 216-013-025-000 and 216-013-022-000) to add to an existing 79.32 acre parcel (Assessor's Parcel Number 216-013-019-000) to create one 80-acre parcel; and (2) a Lot Line Adjustment consisting of an equal exchange of approximately 0.86 acres between Assessor's Parcel Number 216-013-024-000 and Assessor's Parcel Number 216-013-019-000; and(3) a Minor Subdivision to divide the 80-acre parcel resulting from the adjustment into two 40-acre parcels; and, (4) an amendment to Williamson Act Agricultural Preserve and Land Conservation Contract No.07-005. The site is located at 31300 River Road (Assessor's Parcel Numbers 216-013-019-000, 216-013-022-000, 216-013-024-000 and 216-013-025-000 ), Central Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA -Planning Department)

**Compliance or  
Monitoring  
Action to be Performed:**

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

PD002 - NOTICE-PERMIT APPROVAL  
The applicant shall record a notice which states: "A permit (Resolution \_\_\_\_\_) was approved by the Board of Supervisors for Assessor's Parcel Numbers 216-013-019-000, 216-013-022-000, 216-013-024-000 and 216-013-025-000, on June 19, 2012. The permit was granted subject to 19 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

**Compliance or  
Monitoring  
Action to be Performed:**

The owner/applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

Prior to recordation of the Parcel Map.

### 3. PD004 - INDEMNIFICATION AGREE

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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, filing of the parcel 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. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The owner/applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department after the document has been recorded.

### 4. PD015 - NOTE ON MAP STUDIES

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A note shall be placed on the final map or a separate sheet to be recorded with the parcel map stating that:

- 1) An Archaeological Report dated July 12, 2007, has been prepared on this property by Archaeological Consulting, and is on file in the Monterey County RMA - Planning Department. The recommendations of the report shall be followed in any future development on the property.
- 2) A Geologic and Soil Engineering Report dated January 2008, has been prepared for this property by Landset Engineers Inc., and is on file in the Monterey County RMA - Planning Department. The recommendations of the report shall be followed in any future development on the property.
- 3) A Biological Survey dated May 30, 2008, has been prepared on this property by Ed Mercurio, Biological Consultant, and is on file in the Monterey County RMA - Planning Department. The recommendations of the report shall be followed in any future development on the property.

The note shall be located in a conspicuous location, subject to the approval of the County Surveyor.(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The note shall be placed on the map for review by the RMA - Planning Department.  
Prior recordation of the Parcel Map.

#### 5. PD023 - EASEMENT SCENIC SLOPE

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** A Scenic Easement shall be conveyed to the County over those portions of the property where the slope exceeds 25% percent. The easement shall be developed in consultation with certified professional. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** A Scenic Easement Deed shall be submitted for review and approval by the Director of the RMA - Planning Department prior to recordation of the Parcel Map.

The Easement Deed shall be recorded before or concurrently with the Parcel Map showing the approved Scenic Easement.

#### 6. EH1 - WATER SYSTEM PERMIT

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** EH1 - WATER SYSTEM PERMIT  
Obtain a new or amended water system permit from the Environmental Health Bureau. (Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Submit necessary application, reports and testing results prepared by a CA Licensed Engineer to EH for review and approval.

Prior to recordation of the Parcel Map.

#### 7. EHSP - PARCEL MAP (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Provide a revised parcel map demonstrating that the septic system on APN 216-013-024-000 (Amaral Property) meets County standards for setbacks to property lines. The proposed lot line adjustment as shown on the revised tentative map dated July 2, 2008 shall be modified to conform to County standards. (Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** The applicant shall provide revised parcel map to the EHB for review and approval.

Before recordation of the parcel map.

#### 8. PW0015 - UTILITY'S COMMENTS

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** The applicant shall submit the approved parcel map to impacted utility companies for their review. The recommendations of the utilities, if any, shall be submitted to the Department of Public Works for all required easements.

**Compliance or Monitoring Action to be Performed:** Before recordation of the Parcel Map/Record of Survey, the Subdivider shall provide tentative maps to impacted utility companies for review. Subdivider shall submit utility comments to DPW.

**9. PW0022 - FIRE REQUIREMENTS FOR ROADS**

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Prior to recordation of the Parcel Map, the roads within the subdivision shall be improved in accordance with requirements of the local fire jurisdiction.

**Compliance or Monitoring Action to be Performed:** Subdivider shall submit improvement plans prepared by an Engineer to local fire jurisdiction and to DPW for approval. Roads to be constructed in accordance with the approved plans.

**10. PW0031 - PARCEL MAP**

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** The applicant shall file a parcel map delineating all existing and required easements or rights-of-way and monument new lines.

**Compliance or Monitoring Action to be Performed:** The applicant's engineer or surveyor shall prepare and submit the Parcel Map to the Department of Public Works for review and approval.

**11. PW0036 -EXISTING EASEMENTS AND ROW**

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Provide for all existing and required easements or rights-of-way.

**Compliance or Monitoring Action to be Performed:** Subdivider's surveyor shall include all existing and required easements or rights-of-way on Parcel Map.

**12. PWSP001 - TAMC Fees (NON-STANDARD)**

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits for parcels involved in the minor subdivision, the property owner shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee indentified in the TAMC nexus study.

**Compliance or Monitoring Action to be Performed:** The owner shall pay the TAMC regional fee identified in the nexus study.

**13. FIRE008 - GATES**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.  
Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

**14. FIRE010 -ROAD SIGNS**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. 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 is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. 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. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or Monitoring Action to be Performed:** Prior to filing of the parcel map, the Applicant shall incorporate the road sign specification into design and print the text of this condition as "Fire Department Notes" improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of road signs and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

**15. FIRE011 - ADDRESSES FOR BUILDINGS**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a non-combustible material. Address signs shall be placed at each driveway 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. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.  
  
Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

**16. FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.  
  
Prior to requesting a final building inspection, the Applicant shall complete the installation of the water system improvements and shall obtain fire department approval of the final fire inspection.



**17. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or Monitoring:** Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

**Action to be Performed:** Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

**18. PD045 – COC (LOT LINE ADJUSTMENT)**

**Responsible Department:** RMA – Planning Department

**Condition/Mitigation Measure:** The applicant shall request unconditional certificates of compliance for the newly configured parcels.

**Monitoring Action to be performed:** Concurrent with filing of the parcel map, the Owner/Applicant/Surveyor shall submit legal descriptions for each newly configured parcel as prepared by the surveyor. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

**19. PD37 – WILLIAMSON ACT**

**Responsible Department:** RMA – Planning Department

**Condition/Mitigation Measure:** The Owner/Applicant and/or Property Owners of Record of the reconfigured Williamson Act parcels as applicable, shall enter into any new or amended FSZ Contracts with the Monterey County Board of Supervisors for the lot line adjustment of Williamson Act lands deemed necessary by the Office of the County Counsel and pursuant to Government Code Section 51257 as applicable.

**Compliance or Monitoring Action:** The new or amended FSZ Contracts shall be prepared by the Office of County Counsel, subject to preparation of the legal descriptions by the Owner/Applicant/Surveyor for the reconfigured Williamson Act (FSZ) parcels, and review of said legal descriptions by RMA – Planning Department and Department of Public Works Staff. Said new or amended FSZ Contract or Contracts shall be recorded concurrently with the filing of the parcel map and/or with the recordation of the Certificates of Compliance for the Williamson Act (FSZ) parcels which ever occurs first.