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Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 1.

Condition Name: PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Current Condition Status: On-Going

Text of Condition/Mitigation Monitoring Measure:

This Minor Subdivision Tentative Map (PLN100065) allows the division of a 354.12 acre parcel into five (5) parcels (Parcel 1, 56.01 acres; Parcel 2, 55.98 acres; Parcel 3, 55.95 acres; Parcel 4, 55.78 acres; and Parcel 5, 130.40 acres). The property is located adjacent to 38740 Los Coches Road, Soledad (Assessor's Parcel Number 183-021-035-000), Central Salinas Valley Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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)

Compliance or Monitoring Action to be Performed:

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Verification of Compliance/Non-Compliance:

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 2.

Condition Name: PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

The applicant shall record a Permit Approval Notice. This notice shall state: "A Minor Subdivision Tentative Map (Resolution Number 15-023) was approved by the Planning Commission for Assessor's Parcel Number 183-021-035-000 on March 11, 2015. The permit was granted subject to ten (10) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to recordation of the Parcel Map. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the recordation of the Parcel Map, the Owner/Applicant shall provide proof of recordation of this notice to RMA - Planning.

Verification of Compliance/Non-Compliance:

November 16, 2015: On 11-13-2015, the agent submitted evidence of the recorded Permit Approval Notice (DOC # 2015065419). CLEARED Entered by J. Sidor, Associate Planner.

8/28/2015: Available for pick up at front counter under Marie Bourget/Michael Cling. Left message for Michael Cling. (Monique Kakimoto)

On 4/2/2015 the Permit Approval Notice was mailed to the agent by Melissa McDougal

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 3.

Condition Name: PD004 - INDEMNIFICATION AGREE

Responsible Department: Planning

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

The property owner agrees as a condition and in consideration of 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. The 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 property, 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed:

Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning.

Verification of Compliance/Non-Compliance:

Monterey County

Condition Compliance Form

January 11, 2016: Indemnification Agreement recorded on November 25, 2015. Document Number 2015067849. CLEARED. (Entered by J. Sidor, Associate Planner)

11/20/2015: Ready to be recorded; left message for agent, Marie Bourget. Document is available for pick up at Front Counter under Bourget, Marie (Monique Kakimoto)

11/17/2015: Forwarded to the Director of RMA - Planning for approval (Monique Kakimoto)

11/16/2015: Indemnification Agreement brought up to County Counsel for approval (Stacy Giles for Joseph Sidor)

November 16, 2015: On 11-13-2015, agent submitted signed Indemnification Agreement for County review and signature. Entered by J. Sidor, Associate Planner.

9/28/2015: Marie Bourget called; documents were lost. Requesting a new copy of the documents. Docs are available for pick up under Bourget, Marie. (Monique Kakimoto)

8/28/2015: Available for pick up at front counter under Marie Bourget/Michael Cling. Left message for Michael Cling. (Monique Kakimoto)

8/26/2015: Revised Indemnification Agreement forwarded to County Counsel for review. (Monique Kakimoto)

4/2/2015 the Indemnification Agreement was mailed to the agent (Melissa McDougal)

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 4.

Condition Name: PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

Verification of Compliance/Non-Compliance:

March 11, 2015: Notice of Determination (NOD) filed with the Office of the County Clerk, and California Department of Fish and Wildlife fee paid. Condition met. A paper copy of the NOD is located in RMA-Planning file PLN10065, and a scanned copy is in the Documents module of Accela. Entered by Joe Sidor, Associate Planner, (831) 755-5262.

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 5.

Condition Name: PDSP001 - STRUCTURES ACCESSORY TO AGRICULTURAL USE (NON-STANDARD)

Responsible Department: Planning

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

The Owner/Applicant shall place a note on the Parcel Map that states: "All future structures accessory to the agricultural use of the property proposed for each lot of record shall be located in areas that minimize the removal of agriculturally-productive land to maintain the agricultural viability of each lot of record. The location of each proposed structure shall be approved by the Director of Planning prior to issuance of any construction permit.." (RMA-Planning)

Compliance or Monitoring Action to be Performed:

The Owner/Applicant shall prepare a Parcel Map and submit it to RMA-PW and RMA-Planning for review and approval.

Verification of Compliance/Non-Compliance:

February 15, 2018: Note included on Parcel Map. Condition met. (Entered by Joseph Sidor, Associate Planner)

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 6.

Condition Name: EHSP01 - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISION:

Responsible Department: Environmental Health

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

Concurrent with the filing of the Parcel Map, the Owner/Applicant shall record a deed restriction on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision, and shall also place a note on the Parcel Map. The provision is as follows:

“The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby notified that the parcels/lots created by this subdivision are not guaranteed to have water of sufficient quality or quantity to meet state standards and local drinking water standards set forth in the Monterey County Code (MCC) Title 15, Chapters 15.04 and 15.08, and MCC Title 19. At the time of the subdivision, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that each parcel/lot has water quality and quantity meeting state and local drinking water standards. The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby further notified that no development will be permitted and no building permit will be issued for development on any parcel/lot in this subdivision until the owner of that parcel/lot proposed for development demonstrates to the satisfaction of the County that the parcel/lot has a water source meeting all state and local drinking water quality and quantity standards, without treatment, as set forth in MCC Title 15, Chapters 15.04 and 15.08, and Title 19. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.”
(Environmental Health Bureau)

Compliance or Monitoring Action to be Performed:

Prior to filing the Parcel Map, the Owner/Applicant shall submit a draft of the note to be placed on the Parcel Map for review and approval by the Environmental Health Bureau, Department of Public Works and the Office of the County Counsel.

Prior to the filing of the Parcel Map, the Owner/Applicant shall execute a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel.

Concurrent with filing the Parcel Map, the Owner/Applicant shall submit evidence of recordation of the County-approved Deed Restriction to the Environmental Health Bureau and RMA-Planning.

At the time of sale of any parcel/lot, include the same provision in any instrument conveying right, title, or interest in each parcel/lot created by this subdivision.

Verification of Compliance/Non-Compliance:

Monterey County

Condition Compliance Form

February 15, 2018: Condition language also included as a note on the Parcel Map. (Entered by Joseph Sidor, Associate Planner)

9/19/2017 - APPLICANT RECORDED DEED RESTRICTION RELATED TO CONDITIONS 6 AND 7 AND APPROVED TO FORM BY THE ENVIRONMENTAL HEALTH BUREAU (EHB) AND COUNTY COUNSEL WITH THE MONTEREY COUNTY RECORDER ON SEPTEMBER 19, 2017 (DOCUMENT NO. 2017050421). CONDITION HAS BEEN DEEMED MET BY NICKI FOWLER OF THE EHB ON SEPTEMBER 19, 2017.

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 7.

Condition Name: EHSP02 - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISION:

Responsible Department: Environmental Health

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

Concurrent with the filing of the Parcel Map, the Owner/Applicant shall record a deed restriction on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision, and shall also place a note on the Parcel Map. The provision is as follows:

"The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have a viable site for an onsite wastewater disposal system. No Soils or Percolation Report by a qualified Soils Engineer has been completed which demonstrates that the subject property meets state standards and local standards set forth in the Monterey County Code (MCC), Title 15, Chapter 15.20. At the time of the subdivision creating the subject parcels/lots, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that the subject parcels/lots created by this subdivision have an onsite wastewater site meeting all state standards and local standards set forth in MCC Chapter 15.20. The current property owners of record and all future buyers of the subject property are hereby further notified that no development will be permitted and no building permit will be issued for development on these parcels/lots until the owner(s) of a parcel/lot proposed for development demonstrates to the satisfaction of the County that the subject parcel/lot proposed for development has a suitable onsite wastewater site meeting all state standards and all local standards set forth in MCC Chapter 15.20. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal." (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed:

Prior to filing the Parcel Map, the Owner/Applicant shall submit a draft of the note to be placed on the Parcel Map for review and approval by the Environmental Health Bureau, Department of Public Works and the Office of the County Counsel.

Prior to the filing of the Parcel Map, the Owner/Applicant shall execute a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel.

Concurrent with filing the Parcel Map, the Owner/Applicant shall submit evidence of recordation of the County-approved Deed Restriction to the Environmental Health Bureau and RMA-Planning.

At the time of sale of any parcel/lot, include the same provision in any instrument conveying right, title, or interest in each parcel/lot created by this subdivision.

Monterey County

Condition Compliance Form

Verification of Compliance/Non-Compliance:

February 15, 2018: Condition language included as a note on the Parcel Map. (Entered by Joseph Sidor, Associate Planner)

9/19/2017 - APPLICANT RECORDED DEED RESTRICTION RELATED TO CONDITIONS 6 AND 7 AND APPROVED TO FORM BY THE ENVIRONMENTAL HEALTH BUREAU (EHB) AND COUNTY COUNSEL WITH THE MONTEREY COUNTY RECORDER ON SEPTEMBER 19, 2017 (DOCUMENT NO. 2017050421). CONDITION HAS BEEN DEEMED MET BY NICKI FOWLER OF THE EHB ON SEPTEMBER 19, 2017.

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 8.

Condition Name: PKS002 - RECREATION IN-LIEU FEE (NON-STANDARD)

Responsible Department: Parks

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

The applicant shall place a note on the Parcel Map and record a deed restriction as a condition of project approval stating: "The subdivision is subject to recreation fees based on Section 19.12.010 E. (2.) Recreation Requirements of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication if the property owner requests building permits for the construction of a residential structure or structures on one or more of the parcels created by the subdivision within four (4) years after the approval of the subdivision by the Monterey County Planning Commission".

Proof of the recordation of a deed restriction shall be furnished to the Director of Parks and RMA-Planning.

The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D). (Parks Department)

Compliance or Monitoring Action to be Performed:

Prior to recordation of the Parcel Map, the Owner/Applicant shall submit evidence of recordation of the deed restriction to the Directors of Parks and RMA-Planning.

Verification of Compliance/Non-Compliance:

Monterey County

Condition Compliance Form

April 9, 2018: Agent submitted evidence of recorded deed restriction. Document No. 2018014318, recorded on April 4, 2018. Condition is MET. (Entered by Joseph Sidor, Associate Planner)

4/3/2018: Corrected document received by clerical on 3/30/18; ready to record. Document left at front counter for Marie Bourget to pick up, per her direction (Michele Friedrich)

3/8/2018: Requested Proof of Authority to sign from Agent's office. (Monique Kakimoto)

3/7/2018: Received Deed Restriction via front counter, without Proof of Authority to sign. (Monique Kakimoto)

2/23/2018: Deed Restriction prepared and forwarded to County Counsel via inter-office mail for review. (Monique Kakimoto)

February 15, 2018: Note included on Parcel Map. (Entered by Joseph Sidor, Associate Planner)

12/12/2017: as of this date, Grant Deed has not been received. (Monique Kakimoto)

11/22/2017: Joe Sidor requested current grant deed and legal description from Owner. (Monique Kakimoto)

10/10/2017: Requires current grant deed. Informed assigned planner. (Monique Kakimoto)

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 9.

Condition Name: PW0031 - PARCEL MAP

Responsible Department: Public Works

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

File a Parcel Map delineating all existing and required easements or rights-of-way and monument new lines.
(RMA-Public Works)

Compliance or Monitoring Action to be Performed:

Applicant's surveyor shall prepare Parcel Map and submit it to RMA-PW for review and approval.

Verification of Compliance/Non-Compliance:

02/16/2018: The Parcel Map has been reviewed and approved. The County Surveyor affixed his signature and seal on February 13, 2018. Condition cleared by Gerry Camacho, RMA- Land Use & Community Development.

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)

Monterey County

Condition Compliance Form

File No: PLN100065

Project Name: VENTANA PROPERTY HOLDINGS LLC

Condition Number: 10.

Condition Name: PW0036 - EXISTING EASEMENTS AND ROW

Responsible Department: Public Works

Current Condition Status: Met

Text of Condition/Mitigation Monitoring Measure:

Provide for all existing and required easements or rights of way. (RMA-Public Works)

Compliance or Monitoring Action to be Performed:

Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.

Verification of Compliance/Non-Compliance:

*02/16/2018: All existing and required easements, if any, have been delineated on the parcel map.
Condition cleared by Gerry Camacho, RMA-Land Use & Community Development.*

Attach Evidence of Compliance (field visits, letters, e-mails, phone calls, reports, etc.)