

# Attachment B

**Before the Planning Commission  
in and for the County of Monterey, State of California**

In the matter of the application of:

**SPRECKELS INDUSTRIAL PARK LLC (PLN180496)**

RESOLUTION NO. 20-029

Resolution by the Monterey County Planning Commission:

- 1) Adopting a mitigated negative declaration;
- 2) Approving a Vesting Tentative Map for a Minor Subdivision of one parcel (155.4 acres) into two parcels of 109.1 acres (Parcel 1) and 46.3 acres (Parcel 2), respectively; and
- 3) Adopt a Condition Compliance and Mitigation Monitoring and Reporting Program.

(PLN180496), SPRECKELS INDUSTRIAL PARK LLC, at or around 121 and 129 Spreckels Blvd., Spreckels, CA, Greater Salinas Area Plan (APNs: 177-021-025-000 & 177-021-016-000).

Corrected on September 18, 2020 (This resolution supersedes the previous resolution mailed on August 28, 2020)

**The Spreckels Industrial Park LLC application (PLN180496) for a Vesting Tentative Map for a Minor Subdivision came on for hearing before the Monterey County Planning Commission on August 26, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development. The Project is a Vesting Tentative Map for a Minor Subdivision of one legal lot of record (155.4 acres) into two parcels:

- Parcel 1 at 109.1 acres (177-021-025-000), and
- Parcel 2 at 46.3 acres (177-021-016-000).

- EVIDENCE:** a) During the course of review of this application, the project was reviewed for consistency with the text, policies, and regulations in:
- the 2010 Monterey County General Plan;
  - Greater Salinas Area Plan;
  - Monterey County Zoning Ordinance (Title 21);
  - Monterey County Subdivision Ordinance (Title 19);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The 155.4-acre parcel was created as a legal lot of record in a Corporation Grant Deed for title separating certain real property known as the “sewer pond parcel” of 20.6 acres in size, each being a portion of a parcel that was 176.03 acres. The remaining 0.03 acre is

an existing utility easement. The Corporation Grant Deed that created the two parcels and the utility easement was recorded 6 October 1997.

- c) The property is located at or around 121 and 129 Spreckels Blvd. (Assessor Parcel Numbers 177-021-025-000 & 177-021-016-000) and zoned Agricultural Industrial (AI). Pursuant to Section 19.04.005 of Title 19, approval of a Minor Subdivision application may be granted for a tentative parcel map proposing four or less parcels. The proposed vesting tentative parcel map is for splitting one lot into two lots. Therefore, the project application is for a Minor Subdivision. See Finding 7.
- d) Pursuant to Section 19.04.025.C of Title 19, the Director of Planning is the appropriate decision making body to consider an application for a Minor Subdivision. A request for a public hearing was submitted on 30 June 2020 by a member of the public. Therefore, the project was referred by the Chief of RMA-Planning to be heard by the Planning Commission in accordance with Section 19.04.025.F of Title 19.
- e) Pursuant to Section 19.04.005 of Title 19, a tentative parcel map is required for a Minor Subdivision unless the requirement is waived by the appropriate decision making body, or unless the subdivision is for either a portion of the operating right-of-way of a railroad corporation or land conveyed to/from a public utility. These circumstances do not apply to this project; therefore, a tentative parcel map is required for approval of this Minor Subdivision.
- f) Pursuant to Section 19.05.005 of Title 19, a vesting tentative parcel map may be approved and filed in place of a tentative parcel map. Therefore, submittal of the vesting tentative parcel map for this Minor Subdivision is in accordance with the Monterey County Subdivision Ordinance. See Finding 8.
- g) An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for consideration by the appropriate decision making body pursuant to Section 19.04.025.G of Title 19 that requires a proposed tentative parcel map be accompanied by an environmental recommendation. The IS/MND was prepared in accordance with CEQA statutes and guidelines. See Findings 5, 6, & 7.
- h) The project was referred to the Spreckels Neighborhood Design Review Committee (LUAC) for review on 16 October 2019 in accordance with the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors (Resolution No. 15-103) that allows referral to the LUAC at the discretion of the Director of Planning for a project that could raise significant land use issues. The LUAC voted unanimously to recommend approval.
- i) The project was reviewed by the Agricultural Advisory Committee on 5 December 2019, as required by Monterey County General Plan Policy AG-1.8 because it involves a development project on lands designated for agricultural use that requires a discretionary permit (Minor Subdivision). The Committee voted unanimously to recommend approval of the project as proposed.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-

Planning for the proposed development found in Project File PLN180496.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Monterey County Regional Fire District, RMA-Public Works, RMA-Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) The following report was prepared:
    - “Biological Resources Report” (LIB190229) prepared by Denise Duffy & Associates, Monterey, California, July 2019.There is no indication in the report that the site is not suitable for the proposed development.
  - c) The location of proposed Parcel 2 is along the Salinas River in the floodway of a 100-year floodplain as defined by the Federal Emergency Management Agency (FEMA). Therefore, Condition No. 6 requires the applicant/owner record a Floodplain Notice on each newly formed Parcel 1 and Parcel 2 as follows: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions."
  - d) An existing utility easement extends from Spreckels Blvd. through the newly formed Parcel 1 to the west northernmost boundary of the newly formed Parcel 2. This easement would allow future development proposed on Parcel 2 to connect to water and sewer. No development is proposed with this application.
  - e) Access to the parcel exists on a paved road off Spreckels Blvd. atop the utility easement and extends to the west northernmost boundary of the newly formed Parcel 2. This will remain as the access to both parcels formed from the subdivision.
  - f) Staff accessed Google maps for a “virtual” site visit to verify that the site is suitable for this use.
  - g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180496.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by the RMA-Planning, Monterey County Regional Fire District, RMA-Public Works, RMA-Environmental Services, and Environmental Health Bureau. The respective agencies found that the project will not have an adverse effect on the health,

safety, and welfare of persons either residing or working in the neighborhood and no conditions were recommended.

- b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180496.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property. There are no known violations on the subject parcel.
  - b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180496.

5. **FINDING:** **CEQA (Mitigated Negative Declaration):** The Chief of RMA-Planning finds, on the basis of the whole record before it, there is no substantial evidence the project will have a significant effect on the environment, and the Mitigated Negative Declaration reflects the County's independent judgement and analysis.

- EVIDENCE:**
- a) Pursuant to California Environmental Quality Act (CEQA) Guidelines §15063(a), an Initial Study (IS) may be conducted to determine if a proposed project would have a significant impact on the environment. Staff has prepared a Mitigated Negative Declaration for the proposed project.
  - b) Pursuant to §15070(b) of CEQA Guidelines, a mitigated negative declaration may be prepared for a project when the Initial Study identifies potential environmental impacts. The Initial Study identified potential impacts to Biological Resources and Hydrology/Water Quality.
  - c) Proposed mitigations that would reduce potential impacts to less than significant for reasonably foreseeable future development that could have incremental contribution toward cumulative potentially significant effects, have been agreed upon by the applicant.
  - d) The Initial Study for application PLN180496 was circulated for public review 27 April to 27 May 2020.
  - e) The custodian of documents and materials which constitute the record of proceedings upon which the decision is based is the County Resource Management Agency, 1441 Schilling Place South, 2<sup>nd</sup> floor, Salinas, California.
  - f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180496.

6. **FINDING:** **INITIAL STUDY – LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS** - The Initial Study identified less than significant impacts for the following resources: biology and hydrology/water quality. Implementation of the project would

incorporate Conditions of Approval to assure compliance with County requirements, which reduce the identified potential impacts. Therefore, mitigations would not be necessary for the project to have a less than significant impact on these resources.

- EVIDENCE:**
- a) The intended development of a solar energy field on Parcel 2 would be subject to application of a Use Permit, which is a discretionary permit that would trigger environmental review per the CEQA Guidelines, including review for potential impacts to protected and special status species, sensitive habitats, wetlands, and migratory fish and wildlife. Implementation of the minor subdivision does not involve any development and would result in less than significant impact on these biological resources.
  - b) Future implementation of a solar energy field on Parcel 2 would place structural arrays in the floodplain and increase the impermeable surface area, potentially increasing the amount of surface runoff in a manner that could result in flooding onsite. However, any future development would be subject to review by RMA-Environmental Services (ES). RMA-ES project review would identify potential impacts to drainage patterns, surface runoff, and the floodplain, thereby reducing to less than significant any impacts from implementation of the minor subdivision. Further, Title 15 Public Services of the Monterey County Code (MCC) regulates water quality and waste discharge and Title 16.16 of the MCC regulates development within Floodplains.
  - c) The minor subdivision includes no development or structures. The Initial Study analysis found that impacts would be less than significant for Biological Resources and Hydrology/Water Quality.

7. **FINDING:** **INITIAL STUDY – POTENTIAL ENVIRONMENTAL IMPACTS LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED** – Reasonably foreseeable future development could cause this project to contribute incrementally toward potentially significant effects on biological resources and hydrology/water quality that would be reduced to less than significant with applied mitigations. Therefore, adoption of the Mitigated Negative Declaration is required prior to implementation of the project.

- EVIDENCE:**
- a) Environmental effects of this minor subdivision are individually limited because no construction is proposed for the project. Future project proposals on both Parcels 1 and 2 must identify any potential impacts on fish and wildlife habitats and wetlands, established with surveys and assessments prepared by a professional biologist and/or environmental scientist. The Biological Resources Report prepared in July 2019 by Denise Duffy & Associates (DD&A), Inc. (File No. LIB190229) identifies the Salinas River as a migration corridor for South Central California Coast steelhead on Parcel 2 and suitable nesting habitat for protected avian species on Parcel 1. This report shall serve as a launching point for future project-specific environmental review. Therefore, a mitigation (Condition No. 7) is required that the DD&A Biological Resources Report (File No. LIB190229) be recorded with a Notice of Report with the County Recorder.

- b) The minor subdivision includes no construction. However, future site development of proposed Parcel 2 is reasonably foreseeable and has potential to impact the floodplain and existing sensitive habitat and species. To reduce those potential impacts to less than significant, a mitigation (Condition No. 8) is required that a deed restriction be recorded as follows on the resulting Parcel 2:

*Riparian areas existing on this property have the potential to support protected and special status species and habitat. A Biological Resources Report was prepared in July 2019 by Denise Duffy & Associates, Inc. (File No. LIB190229) which identifies those species and habitats that potentially exist on or in vicinity of the property. The Salinas River flows through the parcel which is in a regulatory floodplain defined by the Federal Emergency Management Agency (FEMA). This environmental constraint limits uses on the parcel that could normally be allowed on similar parcels within the vicinity that are zoned Agricultural Industrial.*

- c) The initial study analysis identified mitigation measures that reduce potential impacts to less than significant in consideration of cumulative effects of reasonably foreseeable development that could degrade the quality of biological resources and hydrology/water quality. The mitigations are included as Conditions of Approval.

**8. FINDING:**

**MINOR SUBDIVISION** – The Minor Subdivision proposal conforms to the regulations of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code governing the requirements to allow subdivision of a parcel into five or fewer lots. The Minor Subdivision complies with policies of the 2010 General Plan that set forth requirements for approval of land subdivision.

**EVIDENCE:**

- a) The project is division of one 155.4-acre parcel into two separate lots. Therefore, the project is governed by the provisions of Section 66411.1 – Improvements for Divisions of Land which is not a Subdivision of Five or More Lots (California Government Code), along with those of Chapter 19.04 – Minor Subdivisions (Monterey County Code) of Title 19.
- b) Pursuant to Section 66411.1 of the Subdivision Map Act, a local agency may require improvements for subdivision of a parcel into five or fewer parcels limited to the dedication of rights-of-way, easements, and construction of reasonable offsite and onsite improvements for the parcels being created. Fulfillment of construction requirements may not occur until approval of development on a parcel created by the subdivision. The existing paved road and utility easement will continue to provide both access to each newly created parcel and connection to utilities; and further site improvements are not required until approval of development on the new Parcel 2 created from this subdivision.
- c) The Minor Subdivision is in accordance with Policy GS-1.9 of the Greater Salinas Area Plan that requires the development of this Agricultural Industrial zoned property may be approved for

agriculturally oriented industrial uses and requires preparation of a development plan prior to any use or construction on Parcel 2. No site improvements are included with the Minor Subdivision. Future development proposals shall be required to adhere to the provisions of Policy GS-1.9. Development intended on Parcel 2 is a solar energy field that would support existing and future Agricultural Industrial uses on Parcel 1.

- d) Pursuant to Section 19.04.025 of Title 19, provisions of the minor subdivision must not conflict with easements acquired by the public at large, for access through, or use of, property within the proposed subdivision. Condition No. 4 requires that existing natural drainage channels be identified on the final parcel map as “Natural Drainage Easement”; and Condition No. 5 requires that existing and required easements and rights-of-way be identified on the final parcel map. The existing access road to Parcel 2 through Parcel 1 does not conflict with any existing or required easements or rights-of-way.
- e) Pursuant to Policy PS-3.1 of the 2010 General Plan, the applicant must provide evidence of assured long-term sustainable water supply for both quality and quantity. No further development beyond existing agricultural industrial businesses and support apartment housing for employees is intended on Parcel 1, while Parcel 2 is intended as a solar energy field that would not require residential water connections. Notwithstanding, the existing utility easement provides the opportunity for connection to water (Spreckels Water System) at such time that development is proposed on Parcel 2. Development limitations as imposed by the floodplain location will severely restrict potential projects that may be implemented on Parcel 2 and project proposals shall be required to comply with Policy PS-3.1. Therefore, the minor subdivision would net zero use of water to affect long-term sustainable water supply.
- f) Pursuant to Policy PS-3.2 of the 2010 General Plan, the Environmental Health Bureau (EHB) reviewed the minor subdivision proposal and acknowledged that potential future development would be allowed to access water connection from the existing utility easement. However, the recorded Floodplain Notice (See Finding 2) on both parcels formed by the subdivision is applied to the project by EHB as provision for severely restricting future use of especially newly formed Parcel 2. Therefore, the factors used in developing criteria for proof of a long-term sustainable water supply shall be applied to a narrow selection of future project proposals.
- g) Pursuant to Policy PS-4.13 of the 2010 General Plan, future development on undeveloped Parcel 2 would connect to the existing sewer system (Cal-Am Spreckels Wastewater Treatment Plant) via the existing utilities easement. However, an unmanned solar energy field implemented on Parcel 2 would have a net zero contribution to the sewer system.
- h) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180496.

9. **FINDING:** **VESTING TENTATIVE MAP** – The Vesting Tentative Map submitted for proposal of the Minor Subdivision conforms to the regulations of state and local jurisdictions for approval of a Vesting Tentative Map.
- EVIDENCE:**
- a) The vesting tentative map (Section 19.05.055 of Title 19) is physically suitable for the minor subdivision (Finding 2), is not likely to cause serious public health problems (Finding 3) or substantial environmental damage (Finding 5), is consistent with the Greater Salinas Area Plan and would not conflict with access easements through Parcel 1 (Finding 8).
  - b) PS-3.9 of the 2010 General Plan – Evidence of long-term sustainable water supply in terms of yield and quality for all lots created through subdivision. See Finding 7.
  - c) Requirements for submittal of the Vesting Tentative Map are modified to comply with those of the Chief of RMA-Planning in accordance with Section 19.05.035 of Title 19.
  - d) Pursuant to Government Code 66474, the vesting tentative map shall not be denied approval because the proposed map and subdivision design are consistent with the 2010 General Plan; the site is physically suitable for the type and proposed density of development; the subdivision design is not likely to cause substantial environmental damage, unavoidable injury to fish or wildlife or their habitat, or serious public health problems; and no conflict with easements is likely to occur, for access through or use of, property within the subdivision.
  - e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180496.
10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Section 19.16.020.A of the Monterey County Subdivision Ordinance (Title 19).

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

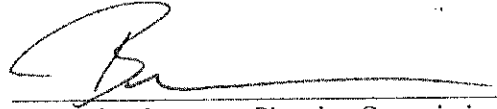
- A. Adopt a mitigated negative declaration;
- B. Approve a Vesting Tentative Map for a Minor Subdivision of one parcel (155.4 acres) into two parcels of 109.1 acres (Parcel 1) and 46.3 acres (Parcel 2), respectively; and
- C. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Program, in general conformance with the attached map and subject to conditions, both being attached hereto, and incorporated herein, by reference.

**PASSED AND ADOPTED** this 26<sup>th</sup> day of August 2020, upon motion of Commissioner Duflock, seconded by Commissioner Diehl, by the following vote:

AYES: Roberts, Ambriz, Gonzalez, Mendoza, Daniels, Coffelt, Duflock, Getzelman, Monsalve, Diehl

NOES: None

ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
Brandon Swanson, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG 28 2020

THIS DECISION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE SEP 08 2020

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services office in Salinas.

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

# Monterey County RMA Planning

## Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN180496

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Minor Subdivision and Vesting Tentative Map (PLN180496) allows the division of a 155.4 acre parcel into two parcels of 109.1 acres (Parcel 1) and 46.3 acres (Parcel 2), respectively. The properties are located at 129 Spreckels Boulevard, Spreckels (Assessor's Parcel Numbers 177-021-016-000 & 177-021-025-000), Greater Salinas Area Plan & a small portion of Assessor's Parcel Number 177-021-016-000 within the Toro 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 on-going basis unless otherwise stated.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Vesting Tentative Parcel Map for a Minor Subdivision (Resolution Number 20-029 was approved by the Planning Commission for Assessor's Parcel Numbers 177-021-016-000 & 177-021-025-000 on 26 August 2020. The permit was granted subject to 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 issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

## 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.  
(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

#### 4. PW0017 - NATURAL DRAINAGE EASEMENT

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Designate all natural drainage channels on the final map by easements identified as "Natural Drainage Easement".

**Compliance or Monitoring Action to be Performed:** Prior to Recordation of Final Map, Subdivider's surveyor shall designate all natural drainage easements on Final Map.

#### 5. PW0036 - EASEMENTS AND RIGHT-OF-WAY

**Responsible Department:** RMA-Public Works

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

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Parcel Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.

#### 6. FLOODPLAIN NOTICE

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a recorded floodplain notice for proposed Parcels 1 & 2 stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (RMA-Environmental Services)

**Compliance or Monitoring Action to be Performed:** The applicant shall submit a signed and notarized floodplain notice to RMA-Environmental Services for review and approval. The notice shall be recorded concurrently with the Parcel Map.

## 7. PDSP001 - NOTICE OF REPORT (Mitigation Measure VII.a)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Future project proposals on both Parcels 1 and 2 must identify any potential impacts on fish and wildlife habitats and wetlands, established with surveys and assessments prepared by a professional biologist and/or environmental scientist. The Biological Resources Report prepared in July 2019 by Denise Duffy & Associates (DD&A), Inc. (File No. LIB190229) identifies the Salinas River as a migration corridor for South Central California Coast steelhead on Parcel 2 and suitable nesting habitat for protected avian species on Parcel 1. This report shall serve as a launching point for future project-specific environmental review.

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Action (MMA) VII.a1: Prior to recordation of the final map, the applicant/owner shall submit to RMA-Planning evidence that a note is placed on the final map for each of Parcels 1 and 2 as follows: "A Notice of Report for library file No. LIB190029 was recorded with the County Recorder due to avian-supportive or riparian areas existing on this property that have potential to support special status species and habitat."

Mitigation Measure Action (MMA) VII.a2: Prior to recordation of the final map, the applicant/owner shall submit to RMA-Planning evidence that a Notice of Report has been recorded for each of resulting Parcels 1 and 2 with the Monterey County Recorder.

## 8. PDSP002 - DEED RESTRICTION (Mitigation Measure VII.b)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Future site development of proposed Parcel 2 is reasonably foreseeable and has potential to impact the floodplain and existing sensitive habitat and species. A deed restriction shall be recorded as follows on the resulting Parcel 2:

"Riparian areas existing on this property have the potential to support protected and special status species and habitat. A Biological Resources Report was prepared in July 2019 by Denise Duffy & Associates, Inc. (File No. LIB190229) which identifies those species and habitats that potentially exist on or in vicinity of the property. The Salinas River flows through the parcel which is in a regulatory floodplain defined by the Federal Emergency Management Agency (FEMA). This environmental constraint limits uses on the parcel that could normally be allowed on similar parcels within the vicinity that are zoned Agricultural Industrial."

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Action (MMA) VII.b1: Prior to recordation of the final map, the applicant/owner shall submit to RMA-Planning evidence that a note is placed on the resulting Parcel 2 final map as follows: "A Deed Restriction was recorded with the County Recorder that limits development of this parcel in the floodplain."

Mitigation Measure Action (MMA) VII.b2: Prior to recordation of the final map, the applicant/owner shall submit to RMA-Planning evidence that a Deed Restriction has been recorded for resulting Parcel 2 with the Monterey County Recorder.

**9. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

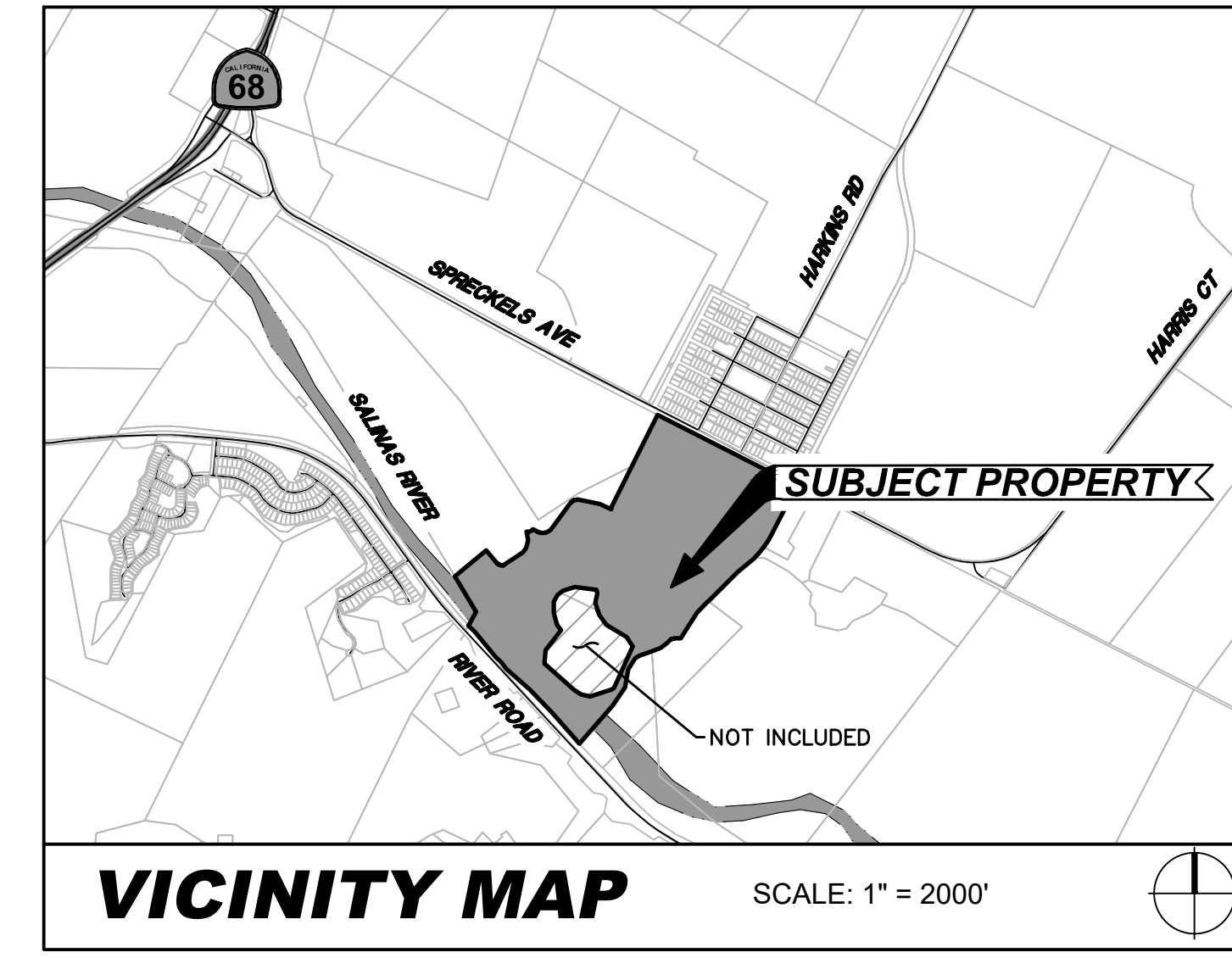
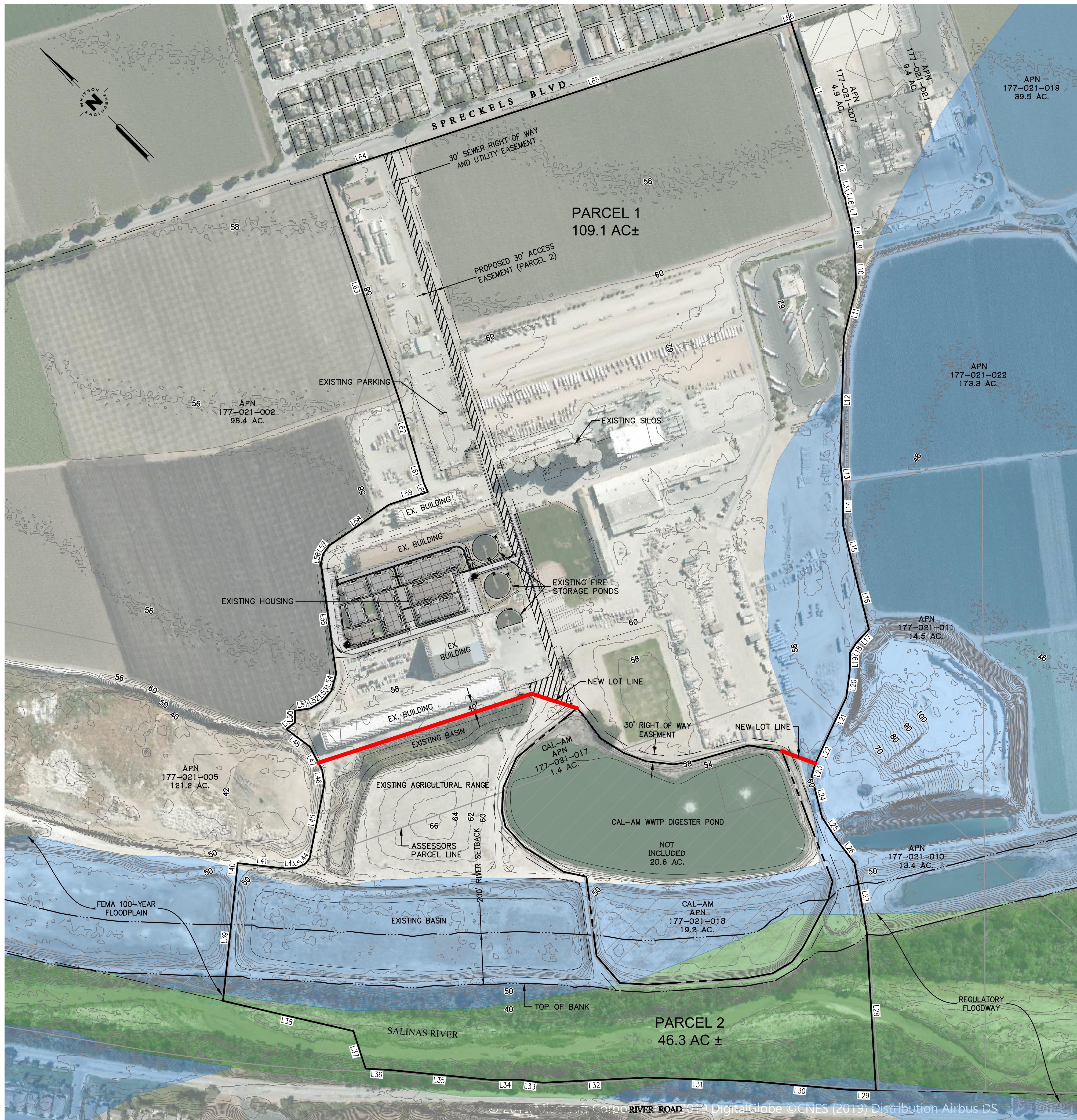
**10. CC01 INDEMNIFICATION AGREEMENT**

**Responsible Department:** County Counsel-Risk Management

**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/her/its 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, recordation of the certificates of compliance 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. (County Counsel-Risk Management)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management



LINE	BEARING	DISTANCE
L1	S26°07'05"W	569.24'
L2	S32°24'42"W	61.79'
L3	S30°04'22"W	68.84'
L4	S12°07'31"W	12.15'
L5	S27°23'20"W	10.34'
L6	S41°00'52"W	12.21'
L7	S29°39'10"W	85.50'
L8	S34°50'46"W	56.75'
L9	S38°04'35"W	52.95'
L10	S41°32'27"W	134.26'
L11	S57°28'26"W	202.56'
L12	S45°30'17"W	483.90'
L13	S37°24'27"W	95.94'
L14	S43°14'40"W	154.18'
L15	S30°11'00"W	170.19'
L16	S29°36'43"W	240.15'
L17	S86°14'19"W	73.56'
L18	S76°18'02"W	43.09'
L19	S45°04'26"W	72.16'
L20	S51°13'46"W	103.18'
L21	S69°21'52"W	168.65'
L22	S68°10'40"W	114.29'
L23	S61°06'53"W	50.58'
L24	S29°37'24"W	163.68'
L25	S10°45'28"W	104.04'
L26	S6°37'54"W	115.79'
L27	S33°49'18"W	268.48'
L28	S40°30'00"W	618.68'
L29	N45°11'20"W	93.38'
L30	N41°10'52"W	400.55'
L31	N44°11'11"W	400.00'
L32	N49°02'42"W	401.43'
L33	N38°28'33"W	90.45'

LINE	BEARING	DISTANCE
L34	N46°47'20"W	110.11'
L35	N40°36'36"W	400.78'
L36	N42°58'16"W	88.12'
L37	N25°50'46"E	153.09'
L38	N33°09'28"W	519.36'
L39	N49°54'46"E	488.95'
L40	N49°45'13"E	48.97'
L41	S39°41'56"E	183.79'
L42	S47°47'29"E	44.46'
L43	S72°12'47"E	40.37'
L44	N81°17'42"E	26.98'
L45	N55°02'14"E	291.52'
L46	N35°15'27"E	56.20'
L47	N15°49'44"E	103.00'
L48	N9°22'46"W	113.03'
L49	S83°43'55"E	41.55'
L50	N44°40'52"E	46.03'
L51	S54°41'07"E	59.87'
L52	S77°46'15"E	58.98'
L53	N83°33'56"E	49.30'
L54	N59°24'57"E	68.12'
L55	N35°53'40"E	430.54'
L56	N57°32'03"E	39.85'
L57	N79°09'36"E	39.93'
L58	S80°32'54"E	280.58'
L59	S64°23'12"E	159.42'
L60	N18°32'28"E	37.06'
L61	N27°36'08"E	113.10'
L62	N27°09'30"E	233.50'
L63	N25°10'01"E	914.08'
L64	S64°12'30"E	322.67'
L65	S64°12'30"E	1577.75'
L66	S64°15'18"E	9.60'

### SUBDIVISION NOTES

**OWNER/APPLICANT**  
TANIMURA AND ANTLE  
1 HARRIS RD  
SALINAS, CA 93908

**PROPERTY DATA**  
ASSESSOR'S PARCEL NO.: 177-021-025-000, 016-000  
GENERAL PLAN LAND USE: INDUSTRIAL

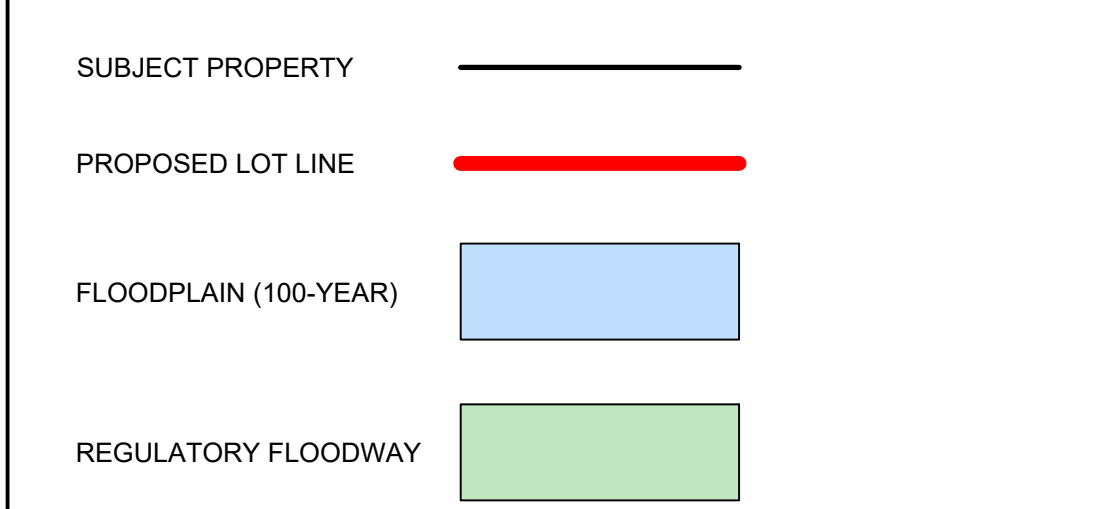
**EXISTING ZONING:** AI-HR-D APN: 177-021-025-000  
AI-D APN: 177-021-025-000, 016-000

**PROPOSED ZONING:** AI-HR-D & AI-D  
**EXISTING LAND USE:** INDUSTRIAL  
**PROPOSED LAND USE:** INDUSTRIAL

**SITE SUMMARY**  
EXISTING PARCEL: 155.4 AC±  
PROPOSED PARCEL:  
-PARCEL 1: 109.1 AC±  
-PARCEL 2: 46.3 AC±

**UTILITIES**  
SANITARY SEWER & STORM DRAIN: CAL-AM SPRECKELS WWTP  
WATER: SPRECKELS WATER CO.  
GAS & ELECTRIC: PG&E

- NOTES**
- PROPERTY IS LOCATED IN ZONE AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AND ZONE X (OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FIRM 06053C0360G DATED APRIL 2, 2009.
  - THE PROPERTY IS LOCATED WITHIN OR PARTIALLY WITHIN A SPECIAL FLOOD HAZARD AREA AND MAY BE SUBJECT TO BUILDING AND/OR LAND USE RESTRICTIONS.
  - NO IMPROVEMENTS ARE PROPOSED. SUBDIVISION IS FOR FINANCIAL PURPOSES.
  - CONTOUR INTERVAL - 2FT



## VESTING TENTATIVE MAP MINOR SUBDIVISION

PROPOSED MINOR SUBDIVISION  
IN RANCHO LLANO DE BUENA VISTA  
COUNTY OF MONTEREY, STATE OF CALIFORNIA

**Whitson ENGINEERS**  
Civil Engineering  
Land Surveying  
6 Harris Court  
Monterey, California  
831.649.5225  
whitsonengineers.com

DATE: JUNE 16, 2020 PROJECT: 3339.08

July 17, 2020 - 11:46am  
177-021-025-000, 016-000  
Whitson Engineers, Inc. 3339.08

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