

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: November 12, 2009 Time: 1:40 PM	Agenda Item No.: 3
Project Description: A Use Permit to allow the construction of two 60-meter (temporary pole towers) to collect wind and other meteorological data for a period of three years.	
Project Location: 33795 Gloria Road Central Salinas Valley	APN: 416-501-019-000 and 416-501-022-000
Planning File Number: PLN090110	Name: Frank & Irene Lamacchia Owner/ AltaGas Renewable Energy Pacific Inc., Agent
Plan Area: Central Salinas Valley Area Plan	Flagged and staked: No
Zoning Designation: "PG/40" (Permanent Grazing 40 acre minimum).	
CEQA Action: Categorically Exempt per Section 15304 (e) Class 4	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- 1) Determine that the project is Categorically Exempt per Section 15304 (e) Class 4 (**Exhibit C**), and
- 2) Approve a Use Permit to allow the construction of two temporary pole towers for a period up to three years as described above, based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions.

PROJECT OVERVIEW:

The proposed project will construct two 60 meter temporary pole towers for the purposes of collecting wind and other meteorological data for a period not to exceed three years. The purpose of the data collection is to assess the wind resources of the area in order to determine the feasibility of constructing a Wind Energy Conversion System (Wind Farm). The project sites are located directly west of Soledad. Tower 2 is within approximately half a mile of the city of Soledad and 3.5 mile south-west of the City of Gonzales, Tower 1 is 1.4 miles from the City of Soledad at the base of the foothills and 4.66 miles south-west of the City of Gonzales. The pole towers will create a temporary and minimal footprint of approximately 4 square feet. There are 24 anchor points and guy wires connecting the 60 meter tall, 10-inch diameter pole towers to the ground. The applicant provided several photo simulations sighting the towers from county roads adjacent to the City of Soledad and Gonzales. Staff reviewed the simulations and finds that the towers may be visible from county roads on the outskirts of both cities, (Camphor Gloria Road & Gloria Road) but will not be discernible from any point along Highway 101.

Staff's review focused on consistency with the Central Salinas Valley Area Plan (CSV-AP) and the California Environmental Quality Act (CEQA) policies. Primary issues involve visual impacts and site resources. No sensitive resources were identified at the proposed locations of the towers. Staff determined that the proposed temporary towers are consistent with policies in the CSV-AP regarding visually sensitive areas as seen from public viewing area such as county roads and Highway 101. Staff finds that the proposed project is consistent with the CSV-AP policies. Therefore, due to the temporary nature of the towers the County finds the project as proposed categorically exempt from CEQA per Section 15304 (e) which allows for a minor temporary use of the land having negligible or no permanent effects on the environment.

See Exhibit B for a more detailed discussion.

OTHER AGENCY INVOLVEMENT:

- ✓ Gonzales Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit C 1**).

The project was not referred to a Land Use Advisory Committee (LUAC) for review Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338.

Note: The decision on this project is appealable to the Planning Commission (21.86.030).

Ramon A. Montano, Assistant Planner
(831) 755-5169; montanor@co.monterey.ca.us
October 19, 2009

cc: Front Counter, Zoning Administrator; Gonzales Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Taven Kinison Brown, Planning Services Manager; Ramon A. Montano, Project Planner; Carol Allen; Property Owner, Frank & Irene La Macchia, Agent/ Alt Gas Renewable Energy Pacific Inc., Planning File PLN070577

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Conditions of Approval
2. Site Plan and Elevations
Exhibit D Correspondence from the City of Gonzales
Exhibit E Vicinity Map

This report was reviewed by Taven Kinison Brown, Planning Services Manager.

EXHIBIT A

Project Data Sheet for PLN090110

Project Title: LA MACCHIA FRANK P & IRENE E T
Location: 9999
Applicable Plan: Central Salinas Valley Area Plan
Permit Type: Use Permit
Environmental Status: Exempt
Advisory Committee: N/A

Primary APN: 416-501-019-000-M
Coastal Zone: No
Zoning: F/40
Plan Designation: FORTY ACRES
MINIMUM
Final Action Deadline (884): 9/23/2009

Project Site Data:

Lot Size: 600/322
Existing Structures (sf): 0
Proposed Structures (sf): 0
Total Sq. Ft.: 0

Coverage Allowed: 5%
Coverage Proposed: 0
Height Allowed: 35
Height Proposed: 197'
FAR Allowed: 5%
FAR Proposed: 0

Resource Zones and Reports:

Environmentally Sensitive Habitat: No
Biological Report #: N/A
Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: LOW
Archaeological Report #: N/A

Fire Hazard Zone: HIGH

Erosion Hazard Zone: MOD
Soils Report #: N/A

Geologic Hazard Zone: LOW
Geologic Report #: N/A

Traffic Report #: N/A

Other Information:

Water Source: N/A
Water Dist/Co: N/A
Fire District: GONZALES FPD
Tree Removal: N/A

Sewage Disposal (method): N/A
Sewer District Name: N/A
Grading (cubic yds.): 0

EXHIBIT B DISCUSSION

PLN090110 Use Permit to allow height exception & for a temporary pole tower for the collection of meteorological data

Project Analysis

Proposed Development:

The proposed Use Permit consists of a:

- Use Permit to allow a height exception and the construction of two 197 foot or 60 meter temporary meteorological towers. The Towers are to be constructed of 10 inch diameter at the base, graduating down to 8 inches at the top. The material the pole tower is constructed of is galvanized steel pipe and guy wires. The 24 guy wires are attached to an anchor screw (driven into the ground) to stabilize and support each tower. The towers are not required to be painted for safety or maintenance purposes nor are the towers are required to be lighted;
- The term of the use permit will not exceed a period of three years. The applicant has indicated that the term for data collection may be less but will not require more the specified time limit.

Site Development Standards:

The project is consistent with the standards of the Monterey County Zoning Ordinance (Title 21) for (Section 21.30.060 & 21.62.030) as follows:

- Height The Meteorological Pole tower may be constructed to a height can be allowed to be constructed to a greater height than the limit established in the “Farmlands and Permanent Grazing” zoning district subject to securing a use permit per Section (21.62.030 B). The pole tower will be limited to a maximum height of 197 feet or 60 meters
- Setbacks The proposed structures are set back 200 to 300 feet from any property line or road. This exceeds the required setbacks for accessory non habitable structures (50’, 6’, & 6’). Therefore, the project meets the criteria under the “Farmlands and Permanent Grazing” development standards
- Building Site Coverage The project as purposed would not increase the site coverage of the existing 322.5 and 600 acre parcels

Scenic and Visual Resources:

The property is not located in the area identified in the CSV-AP as visually sensitive. Both tower locations are adjacent to an existing high voltage transmission line. The applicant has provided photo simulations of the towers from specified locations. Staff visited each site identified in the photo simulations and traveled the Highway 101 corridor between Gonzales and Soledad to determine the potential visibility of each tower site and decide from the photo simulation what the potential impact would be to the public’s viewshed. Staff finds that due to the distances from each vantage point in the photo simulations and the highway the temporary 60 meter 10-inch diameter pole-tower would not be discernable from those vantage points or create substantially adverse visual impact to the public viewshed. This conclusion takes into account the surrounding towers (power transmission lines). The towers are to be constructed of galvanized steel pipe and guy wires. The 24 guy wires are attached to an anchor screw (driven into the ground) to stabilize and support each tower. The towers are not required to be painted for safety or maintenance purposes, nor are the towers required to be lighted. Therefore, the pole towers will not be reflective, further reducing visibility of the pole tower.

Comments from the neighboring City of Gonzalez:

In the attached letter from Gonzales, the City Planner has requested an Environmental Impact Report (EIR), to consider the impact to the Viewshed. (See Exhibit E). The County has considered the viewshed and has determined that an EIR is not necessary and that a Categorical Exemption is appropriate for the following reasons:

1. The Pole-Tower would not be discernable either from city boundaries or from the public highway and is not located within the area identified as visually sensitive by the CSV-AP or substantially create an adverse visual impact from a county road.
2. The footprint of the Pole-Tower, Guy Wires, and anchor screws is minimal and not permanent.
3. The term of the data collection is a period not to exceed three years.

In the eventuality that the site currently being studied proves feasible for Wind Energy generation and the applicant tenders an application for a Wind Farm an Environmental Impact Report and a Use Permit will be required for such a project. The public and appropriate agencies and city governments effected will be noticed in accordance with county code and state law.

Other regulatory agencies:

1. Currently the proposed 60 meter meteorological tower does not exceed the height requirements under the Federal Aviation Administration (FAA) regulations regarding structure. The California Department of Transportation Office of Aviation Planning was contacted to confirm that the project is exempt from review or conditions by the FAA and The California Department of Transportation (CALTRANS). Staff confirmed that the temporary towers are exempt under FAA Part 77 regulations and therefore not subject to and further review or conditions by those agencies.
2. Williamson Act, the subject properties are currently under a Land Conservation Agreement. The County determined that based on the language in said agreement set forth in Exhibit B, that the tower or any future use to construct an utility facility to generate electricity is a compatible use with the current uses; Grazing.
3. The project doe not fall under the jurisdiction of the Airport Land Use Commission based on current FAA regulations. Staff confirmed with the ALUC that the towers were out of there sphere of review.

Land Use Adversary Committee:

The project was not referred to a Land Use Advisory Committee (LUAC) for review Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338.

CEQA:

The County has determined that the project as proposed is categorically exempt from further review under the California Environmental Quality Act (CEQA) based on Section 15304 (e) which allows for a minor temporary use of the land having negligible or no permanent effects on the environment. Primary issues involve consistency with the CSV-AP specifically with visual impacts and site resources. Staff determined that the proposed temporary towers are consistent with policies in the CSV-AP regarding visually sensitive areas as seen from public viewing area i.e. county roads and Highway 101. No sensitive resources plant or animal were identified at the proposed locations of the towers. The county that the pole tower does not pose a danger to local avian species during the wind data study period. Therefore, the County finds that the proposed project is consistent with the CSV-AP policies and will not create a significant environmental effect to the subject sites. Furthermore, in light of this information and due to the temporary

nature of the towers the County finds the project to be categorically exempt and not subject to further review under CEQA.

Conclusion:

Staff has reviewed the application material, plans, and reports and concludes that the proposed Use Permit which would allow the construction of a temporary pole towers to collect meteorological data for a period of three years and thereby determine the feasibility of a “Wind Energy Conversion System” (Wind Farm) on the site is consistent with the Monterey County General Plan policies to encourage investigation of the potential for wind energy resource development.

Staff established that the proposed temporary towers are consistent with policies in the CSV-AP regarding visually sensitive areas as seen from public viewing area i.e. county roads and Highways and that no sensitive resources plant or animal were identified at the proposed locations of the towers and that affixed towers at this height do not pose a danger to local avian species during the wind data study periods.

Staff’s review of the current Land Conservation Agreement (LCA) and finds that the current agricultural use of the land is cattle grazing and that the proposed pole tower and potential Wind Farms do not conflict with the current LCA or the Williamson Act. Consequently the County finds the project consistent with the General Plan and area plan policies and regulations and because the towers are of a temporary nature. The County finds the project as proposed categorically exempt from CEQA, (per Section 15304.e), as a project of a minor nature with a temporary use of the land, having negligible or no permanent effects on the environment. For these reasons staff recommends that the Zoning Administrator approve the project as conditioned.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Richard & Sandra Pepe (PLN090110)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically Exempt per Section 15304 (e) Class
4
- 2) Use Permit to allow the construction of two 60-
meter (temporary pole towers) to collect wind
and other meteorological data for a period of
three years.

(PLN090110, Frank & Irene La Macchia, 33795
Gloria Road Central Salinas Valley (APN: 416-501-
019-000 and 416-501-022-000)

The Frank & Irene La Macchia application (PLN090110) came on for public hearing before the Monterey County Zoning Administrator on November 12, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Central Salinas Valley Area Plan (CSV-AP), and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development with a use permit.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 properties are located at 33795 Gloria Road on a 322 & 600 acre parcel Northeast of Soledad approximately 35 miles away on the rising foothill slopes (APN 416-501-019-000 and 416-501-022-000) in the County of Monterey Central Salinas Valley Area. The parcel is zoned: “F/40” Farmlands 40, acre unit per and “PG/40” Permanent Grazing 40, unit per acre unit per.

(c) Based on information and materials provided, plus Staff site visit conducted in July 21 of 2009, to verify that the project on the subject parcel conforms to the above listed plans.

- (d) The Use Permit application as proposed would allow the construction of two 60-meter (temporary pole towers) to collect wind and other meteorological data.
- (e) The proposed project meets all the other necessary site development standards for F/40" Farmlands 40, acre unit per and "PG/40"Permanent Grazing 40, unit per acre unit per zoning districts:
 - Height The Meteorological Pole tower may be constructed to a height can be allowed to be constructed to a greater height than the limit established in the "Farmlands and Permanent Grazing" zoning district subject to securing a use permit per Section (21.62.030 B). The pole tower will be limited to a maximum height of 197 feet or 60 meters.
 - Setbacks The proposed structures are located within the setback envelope of 200 to 300 feet from any property line or road. This exceeds the required setbacks for accessory non habitable structures. Therefore, the project meets the criteria under the "Farmlands and Permanent Grazing" development standards.
 - Building Site Coverage The project as purposed would not increase the site coverage of the existing 322.5 and 600 acre parcels.
- (f) The project is not located within an area identified as visually sensitive nor would the pole towers create a substantially adverse visual impact when viewed from any county road or state highway.
- (g) The project was not referred to a Land Use Advisory Committee (LUAC) for review Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338.
- (h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090110.

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 Department, Gonzalez Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by the Water Resources Agency and The RMA-Planning Department have been incorporated.
 - (b) A condition has been incorporated to require Recorded Floodplain Notice, parcel 416-501-019-000, stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." (Condition # 9)
 - (c) Staff conducted a site visit in July 21 of 2009, to verify that the site is suitable for this use.
 - (d) Materials in Project File PLN090110.

3. FINDING: USE PERMIT - The County finds that the establishment, maintenance, or operation of the proposed temporary pole towers, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County and that The subject property is in compliance with all rules and regulations

pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 of the Monterey County Zoning Ordinance.

- EVIDENCE:** (a) The County determined at the close of the 30 day review period. That the construction of the proposed pole tower would not be detrimental to health, safety and general welfare of persons residing or working in the area or be detrimental or injurious to property and the neighborhood or to the general welfare of the County based on similar uses permitted within the county and the subject area plan.
- (b) Staff confirmed through County records that the subject properties are currently not in violation of any regulations or policies of the County and have not incurred any costs associated with the abatement of violations of County Codes.
- (c) Materials in Project File PLN090110.

- 4. FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15304 (e) class 4 categorically exempt from CEQA per Section 15304 (e) which allows for a minor temporary use of the land having negligible or no permanent effects on the environment.
- (b) Although the project is located within a low archaeological sensitivity area, the results from the report were negative. A condition (Exhibit C 1 condition #6) has been incorporated to require work to stop if during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site.
- (c) Staff determined that the proposed temporary towers are consistent with policies in the CSV-AP regarding visually sensitive areas as seen from public viewing area i.e. county roads and Highway 101.
- (d) That no sensitive resources plant or animal were identified at the proposed locations of the towers and that affixed towers at this height do not pose a danger to local avian species during the wind data study periods.
- (e) No adverse environmental effects were identified during staff review of the development application during a site visit on July 21, 2009.
- (f) See preceding and following findings and supporting evidence.

- 5. 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) See Findings #1, #2, #3 and #4 and supporting evidence.

- 6. FINDING: NO VIOLATIONS** - The subject property complies 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. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

7. FINDING: APPEALABILITY - The decision on this project is appealable to the Monterey County Planning Commission.

EVIDENCE: (a) Section 21.80.040. A of the Monterey County Zoning Ordinance Title 21 (Planning Commission)

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A) Determine that the project is Categorically Exempt per Section 15304 (e) Class 4 (**Exhibit C**), and
- B) Approves the Use Permit in general conformance with the attached sketch (**Exhibit C 2**) and subject to the conditions (**Exhibit C 1**), both exhibits being attached hereto and incorporated herein by reference. as described above, based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit C 1**).

PASSED AND ADOPTED this 12th day of November, 2009.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION 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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION ### - EXHIBIT C 1 Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>La Macchia ----</u> File No: <u>PLN090110</u> APNs: <u>416-501-019-000; and</u> <u>416-501-022-00</u> Approved by: <u>Zoning Administrator</u> Date: <u>November 12, 2009</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Use Permit to allow the construction of two 60-meter (temporary pole towers) to collect wind and other meteorological data for a period of three years. 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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)
2.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>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 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)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parce l map, whichever occurs first and as applicable	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A Use Permit (Resolution) was approved by the Zoning Administrator for Assessor's Parcel Number 416-501-019-000 and 416-501-022-000 on November 12, 2009. The Use Permit was granted subject to 5 conditions of approval which run with the land. A copy of the Development 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)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
4.		<p>PD032 - PERMIT TIME/YEAR & DATE</p> <p>The permit shall be granted for a period of three years, to expire on November 12, 2012. (RMA – Planning Department)</p>	None	Owner/ Applicant	As stated in the conditions of approval	
5.		<p>SPD01 - RESTORATION OF SITE WITH NATIVE MATERIALS</p> <p>Upon completion of the three year data collection period the areas disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)</p>	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commencement of use.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		<p>SPD002 – NON STANDARD CULTURAL RESOURCES</p> <p>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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	
7.		<p>SPD003 – NON STANDARD CULTURAL RESOURCES</p> <p>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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
8.		<p>SPD004 – HEIGHT VERIFICATION AVOIDANCE SAFETY MEASURES.</p> <p>The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) is consistent with what was approved on the building permit and that standard avoidance measures are installed on the guy wires. (RMA – Planning Department and Building Services Department)</p>	The applicant shall provide evidence from a licensed civil engineer or surveyor as a not or letter prior to final building inspection	Owner/ Applicant/ Engineer	Prior to the final inspection	
9.		<p>FLOODPLAIN RECORDATION</p> <p>The owner shall provide the Water Resources Agency a recorded Floodplain Notice, parcel 416-501-019-000, stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” (Water Resources Agency)</p>	Submit a recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading or building permits	

END OF CONDITIONS