

MONTEREY COUNTY PLANNING COMMISSION

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| Meeting: November 14, 2012 Time: 10:00 A.M | Agenda Item No.: 4 |
| Project Description: Extension of a previously approved Use Permit (PLN010043) to allow continuing use of the subject site for the operation of a model airplane facility. | |
| Project Location: 24200 Chualar Dump Road off Chualar Road | APN: 269-031-013-000 |
| Planning File Number: PLN120178 | Owner: County of Monterey Applicant: Salinas Area Modelers Inc. |
| Planning Area: Central Salinas Valley Area Plan | Flagged and staked: No |
| Zoning Designation: : "F/40" (Farmlands, 40 Acre Minimum) | |
| CEQA Action: Categorically Exempt per Section 15305 (a)] | |
| Department: RMA - Planning Department | |

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (Exhibit C) to:

- 1) Find the project exempt from CEQA ; and
- 2) Approve the Use Permit Extension Request, based on the findings and evidence and subject to the recommended conditions of approval.

PROJECT OVERVIEW:

The subject project site is owned by the County of Monterey and is located off Chualar Road on an old landfill site between the Chualar Sewer Treatment Facility and the Salinas River. The applicant is Salinas Valley Area Modelers Inc. The site was formerly a solid waste disposal site and is located adjacent to the ponds of the Treatment Facility. The site is zoned as Farmlands but is unusable for agriculture due to the location of the former solid waste disposal facility. The applicant has leased the site since 1986 and the current lease expires on June 30, 2016. Two use permits have been approved previously by the Planning Commission for the operation of the facility: PC07482 approved on October 10, 1990 and PLN010043 approved on March 27, 2002; the latter permit expired on October 10, 2010.

The facility consists of a runway, non permanent storage facilities (containers), portable toilets, designated parking for 20 vehicles and a covered area for spectators. Model airplane flying takes places regularly seven days per week during varying hours depending on climatic factors. Generally the hours of operation are 8 AM to 5 PM. The maximum number of flyers present at a given time varies between 15 and 25. Special events are held four times per year where as many as 40 flyers may attend. The applicant has submitted a "General Development Plan" (Exhibit B) with the outline of the operation of the facility. The existing operation includes the use of a fire pit; staff from the Environmental Health Bureau has identified onsite fires as a potential hazard due the possible emission of methane gas from the closed landfill, and has recommended that the extension of the permit be conditioned to not allow fires onsite. This condition is included in the recommended conditions of approval.

The proposed use would not interfere with routine and ongoing operations on the adjoining agricultural parcels. The 2010 General Plan does not contain any new policies that would affect the continuing use of the site as proposed. The County has received no complaints related to the operation. Staff recommends that the extension of the use permit be granted to expire on June 30, 2016 to coincide with the expiration of the current lease agreement.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

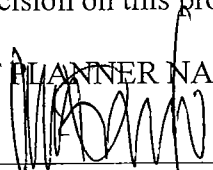
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- Water Resources Agency
- √ Monterey County Regional Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by the Regional Fire District and the Environmental Health Bureau have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (Exhibit C).

The project was not referred to any Land Use Advisory Committee (LUAC) because there is no LUAC designated for the area where the site is located.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ PROJECT PLANNER NAME



Luis A. Osorio, Senior Planner
(831) 755-5177, osoriol@cd.monterey.ca.us
(October 30, 2012)

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; Luis A. Osorio, Project Planner; Monterey County, Owner c/o George Salcido, Real Property Specialist, Owner; Robert McGregor, Applicant; The Open Monterey Project; Land Watch; Planning File PLN120178

Attachments: Exhibit A Project Data Sheet
Exhibit B Applicant's Project Description
Exhibit C Draft Resolution, including recommended Conditions of Approval and Site Plan
Exhibit D Vicinity Map

This report was reviewed by Wanda Hickman, Planning Services Manager.

EXHIBIT A

Project Information for PLN120178

Project Information:

| | | | |
|----------------------------------|-------------------------------|-------------------------------------|-----------|
| Project Name: | COUNTY OF MONTEREY | | |
| Location: | 24200 CHUALAR DUMP RD CHUALAR | | |
| Permit Type: | Use Permit | | |
| Environmental Status: | Exempt | Final Action Deadline (884): | 10/5/2012 |
| Existing Structures (sf): | 2853 | Coverage Allowed: | 32670 |
| Proposed Structures (sf): | 0 | Coverage Proposed: | 2853 |
| Total Sq. Ft.: | 2853 | Height Allowed: | 30 |
| Tree Removal: | None | Height Proposed: | 9 |
| Water Source: | NA | FAR Allowed: | NA |
| Water Purveyor: | NA | FAR Proposed: | NA |
| Sewage Disposal (method): | PORTABLE | Lot Size: | 653400 |
| Sewer District: | NA | Grading (cubic yds.): | 0 |

Parcel Information:

| | | | |
|------------------------------|----------------------------------|------------------------------------|-----|
| Primary APN: | 269-031-013-000 | Seismic Hazard Zone: | IV |
| Applicable Plan: | Central Salinas Valley Area Plan | Erosion Hazard Zone: | Low |
| Advisory Committee: | N/A | Fire Hazard Zone: | No |
| Zoning: | F/40 | Flood Hazard Zone: | Yes |
| Land Use Designation: | Farmland - 40 acre min. | Archaeological Sensitivity: | Low |
| Coastal Zone: | No | Viewshed: | |
| Fire District: | Monterey County Regional FPD | Special Setbacks on Parcel: | N |

Reports on Project Parcel:

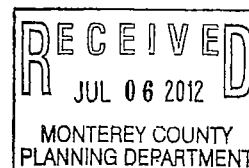
Soils Report #:
Biological Report #:
Geologic Report #:
Forest Management Rpt. #:
Archaeological Report #:
Traffic Report #:

EXHIBIT B

GENERAL DEVELOPMENT PLAN

SALINAS AREA MODELERS

USE PERMIT APPLICATION



PURPOSE

- The Salinas Area Modelers, Inc. (hereafter referred to as SAM) presently holds a valid lease with the County of Monterey (hereafter referred to as the County) as the lessor for Assessor's Parcel Number 269-031-013-000 (or a portion thereof) for the sole purpose of flying remote control model aircraft. SAM has leased the site since July 1986. The current zoning of said property is F/40 (Farmlands, 40 Acre Minimum). The property is located on an old land fill site, between the Chualar sewer disposal ponds and the river. The fact that the property is on an old land fill site deems it unusable for agriculture as stated in the lease item 1. b:

The majority of the Site was formerly a solid waste disposal site that is underlain by cells of garbage and refuse and which is subject to severe restrictions on its use, including prohibitions against all irrigation, building, and cultivation of crops, in order to protect the integrity of the former disposal site, and, due to damage by flood erosion, said property is no longer economically suitable for grazing and is therefore limited to recreational uses.

SAM is allowed by terms of the lease to have a runway and temporary buildings which are shown on the site plan. No permanent structures are allowed by terms of the lease. All structures are either resting on timbers or are on posts, thus everything can be easily removed if the necessity should arise.

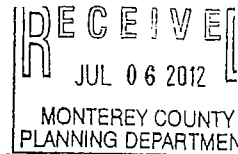
SAM would like to request that, assuming a Use Permit is granted, said permit not have a definitive expiration date stated, but a qualification that as long as SAM holds a valid lease for said property with the County, the use permit will be in effect.

HOURS OF OPERATION

- By nature of the operation (flying of model airplanes) our activity is limited to daylight hours. Flying does take place seven (7) days a week weather permitting. Regular hours are not posted but as a general rule nobody arrives at the site before 8:00 AM, occasionally earlier. Wind is a factor when flying model aircraft and that usually dictates when the site is vacated which is normally somewhere between 12:00 noon and 2:00 PM. On the occasional calm day that does occur, flying could go on until 3:00 to 5:00 PM depending on the time of the year. At that point sun position and shadows become a factor. Generally it could be said our hours are 8 to 5 but that is governed to a large extent by the weather and season.

The maximum number of flyers present is normally 15 to 25 with the higher number seen on weekends (Saturday and Sunday) and holidays. Four times a year (twice in the spring

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and twice in the fall) we host special events that include invited guest (flyers from other clubs) and we may have as many as 40 flyers present. During normal flying times (non-event flying) the people to auto ratio is pretty much 1 : 1. This is not the case when events are scheduled: it is closer to 3 : 2 ratio. As noted on the site plan there are conservatively parking spaces for 20 vehicles in a straight line and plenty of room for overflow when, at special events, we might have more vehicles.

It should be noted that ANYBODY that flies at the SAM site is required to be an AMA (Academy of Model Aeronautics) member as that is the source of insurance required by the County per the terms of our lease. Pilots are required to abide by the AMA rules and safety code thus maximizing safety of the activity. The safety code dictates flight lines, altitude, safety barriers as well as other issues that make the hobby/sport a very safe one. A copy of the safety code can be provided if necessary.

Members can gain access to the site through the locked gate by knowing the combination to the SAM lock. The combination is changed at the beginning of each calendar year and members are not privileged to the combination until their annual membership has been renewed, thereby verifying the fact that individual insurance is in place. A certificate of insurance is issued to the county Department of Public Works on an annual basis as per the terms of the lease.

SEWAGE DISPOSAL

- Nicole Fowler brought up the point that portable chemical toilets are normally allowed for only two years before permanent facilities must be built. I read her the terms of our lease (included in this packet) that said we could have no water on the site and that the lease specified portable units were allowed. She checked on the situation and verbally confirmed the portable chemical units were allowable in our case. We own our units (three of them one being handicap accessible) and they are service bi-weekly by United site Services.

EMPLOYEES

- SAM has no employees. Any contract work performed, which is limited to refurbishment of the runway as all other work is done by the members, requires the contractor to be fully insured with workers comp and applicable liability insurance as stated in our lease.

SIGNS

- SAM has a sign at the entry gate (location on site plan) and two pictures are included with this narrative showing location, dimensions and height above the ground. As can be seen the sign is merely for location identity and safety reasons. There is a small sign at

the entrance off Chualar River Road (no picture) indicating the address as was required by the previous use permit.

LIGHTING AND LANDSCAPING

- There is no lighting on the site and none is necessary since SAM is a daylight operation. The only landscaping is the natural growth which we keep mowed (terms of the lease).

HAZARDOUS MATERIALS

- SAM stores up to ten (10) gallons of diesel fuel for our tractor/mower that is kept in the 8' X 40' container (marked on plot plan). Five (5) gallons of gasoline is kept in the same location for a generator. Up to 30 gallons of glow fuel is stored in this same location for purchase and use by club members for their aircraft engines. This fuel is alcohol (methanol) and a small percentage (10 to 15 percent) of nitro-methane (it is NOT explosive). Up to eight (8) quarts of motor oil are stored in the same location for the tractor/mower. It should be noted that our tractor/mower and generator are housed in this container.
- The only other liquid stored is bottled water and sodas which are stored in the 8' X 20' container (marked on plot plan), along with everything else that might be used with food (paper plates, plastic flatware, cups, etc.).
- The 6' X 8.5' container (an old ammunition storage container) contains four lead acid automotive type batteries that are charged with the solar panel seen on top of the container in the attached photo. Since we have no PG & E service at the flying site, we use this method for electrical power to charge our aircraft batteries. There are also a couple of trainer aircraft housed in this container.

FIRES FOR WARMTH

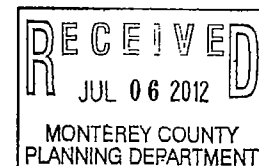
- In the past SAM has had a fire pit (an old washing machine basket) in which we would build a fire for warmth on cold mornings. We felt we were entitled to do such because of item 8. e. in our lease which states:

LESSEE shall keep water or fire extinguishers on the Site whenever fires are lit or when there is a danger of sparks igniting grass cover.

There is nothing in the lease prohibiting such a fire. The Health Department made a surprise visit to the site and noticed the fire pit. We were asked to get rid of it and the fire wood that was stored at the site, the possible presence of methane gas cited as the reason. We complied even though the Club felt the methane gas was a non-issue as we are flying using internal combustion engines on our aircraft that require combustible fuel.

We would like the privilege of having a small contained fire on cold mornings if at all possible. This has been addressed verbally with both the Environmental Health Bureau (Nicole Fowler) and the Fire Protection Agency (Dorothy Priolo).

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It is proposed to use an old washing machine tub (these make a good fire pit since they are perforated on the sides but contain all fire material and ashes) for our fire pit. We would locate the fire containment pit between the runway and the shelters adjacent to the parking area (see plot plan). There are two (2) 2 ½ pound dry chemical fire extinguisher at that location and at the suggestion of Dorothy Priolo we would purchase a hand pump water fire extinguisher (an "Indian" fire pump as she described it) to have at the fire pit location. It would no doubt be necessary to store the "Indian" in one of the storage containers when no fire is in use as it would without a doubt be stolen if left out all the time.

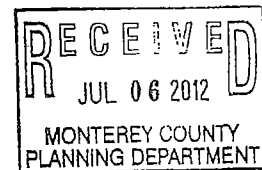


EXHIBIT C
DRAFT RESOLUTION
Before the Planning Commission in and for the
County of Monterey, State of California

In the matter of the application of:
County of Monterey (PLN120178)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project exempt from CEQA; and
- 2) Approving a Permit Extension Request to allow the continuing use of the subject site for a Model Airplane Facility;

[PLN120178, County of Monterey, 24200 Chualar Dump Road, Central Salinas Valley Area Plan (APN: 269-031-013-000)]

The Permit Extension application (PLN120178) came on for public hearing before the Monterey County Planning Commission on November 14, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, 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.
EVIDENCE:
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Central Salinas Valley Area Plan;
 - Monterey County Zoning Ordinance (Title 21);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 property is located at 24200 Chualar Dump Road (Assessor's Parcel Number APN 269-031-013-000), Central Salinas Valley Area Plan. The parcel is zoned "F/40" (Farmlands, 40 Acre Minimum), which allows public-quasi public uses such as the one proposed with a Use Permit. The project site is the site of an abandoned landfill which is not appropriate for agricultural use. Therefore, the quasi-public use of the operation of a Model Airplane Facility Use is an appropriate use for the site.
 - c) The continued use of the existing Model Airplane Facility would not interfere with routine and ongoing agricultural operations on adjacent parcels. Therefore, the project is consistent with the Policies of the Agricultural Element of the 2010 General Plan.
 - d) The project planner conducted a site inspection on April 12, 2012 to

verify that the project on the subject parcel conforms to the plans listed above.

- e) The project was not referred to any Land Use Advisory Committee (LUAC) for review because there is no LUAC for the area of the project site.
- f) 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 PLN120178.

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, Monterey regional Fire Protection District, Public Works, Environmental Health Bureau, 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 have been incorporated.
 - b) Staff conducted a site inspection on April 12, 2012 to verify that the site is suitable for this use.
 - c) 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 PLN120178.

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 Department, Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The operation of the Model Airplane Facility does not require any permanent facilities for the provision of water or sewer collection. The facility provides portable toilets which have been deemed appropriate by the Environmental Health Bureau. Access to the site is provided via Chualar Road which is appropriate for the level of use of the facility.
 - c) The applicant proposes to use open fire pits for warmth as part of the continuing use of the existing facility. However, the Environmental Health Bureau has found that a closed landfill may still emit methane gas which, if exposed to an open flame, may create an explosion. Therefore, the approval of the Extension of the Use Permit has been

- d) conditioned to prohibit fires and open flames onsite.
- d) Staff conducted a site inspection on April 12, 2012 to verify that the site is suitable for this use.
- e) 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 PLN120178.

4. **FINDING:** **NO VIOLATIONS** The previously approved permit for the operation of the subject facility (PLN010043) expired on October 10, 2010 and therefore the subject project is in violation of rules and regulations pertaining to zoning uses. However, no ongoing code enforcement action has been undertaken by the County. The subject application for an extension of the expired permit was submitted on July 6, 2012. The extension of the permit corrects the violation.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware that the previously approved permit has expired.
 - b) Condition of Approval No. 2 of Planning Commission Resolution No. 02018 stating the expiration date as October 10, 2010.
 - c) Staff conducted a site inspection on April 12, 2012 and researched County records found that no other violation exists on the subject property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department on July 6, 2012 for the proposed permit extension and contained in Project File PLN120178.

5. **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 15301, categorically exempts the operation of existing facilities involving negligible or no expansion of use beyond that exists at the time of consideration of the application.
 - b) The facility was first approved for the subject site on October 10, 1990 and renewed by the Planning Commission on March 27, 2002. No environmental impacts have been identified resulting from the operation of the facility. No expansion is proposed as part of the Extension Request.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 12, 2012.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The Model Airplane Facility is operated in an abandoned landfill surrounded by agricultural uses and the Salinas River and has no impact on any adjacent uses or on any identified environmental resources onsite. The site is not included on any list compiled pursuant to Section 65962.5 of the California Government Code.
 - e) Staff conducted a site inspection on April 12, 2012 to verify that the site is suitable for this use.

- f) 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 PLN120178.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 21.080.40 D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

DECISION

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

- 1. Exempt the Extension Request from environmental review under CEQA;
- 2. Approve the Permit Extension Request to allow the continuing use of the subject site for a Model Airplane Facility, in general conformance with the attached sketch and subject to the attached conditions and subject to the attached General Development Plan, all being attached hereto and incorporated herein by reference;

3.

PASSED AND ADOPTED this 14th day of 2012, upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary, Planning Commission

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 SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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.

Form Rev. 05-09-2012

Monterey County Planning Department
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120178

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Permit allows an extension of a previously approved Use Permit (File No. PLN010043) for the operation of a "Model Airplane Facility to expire on June 30, 2016. The 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 the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Permit Extension (Resolution Number ***) was approved by the Planning Commission for Assessor's Parcel Number 269-031-013-000 on November 14, 2012. The Permit Extension expires on June 30, 2016. The Permit Extension was granted subject to ten (10) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PDSP001 - EXPIRATION DATE

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The extension of the Use Permit shall expire on June 30, 2016 concurrent with the expiration of the lease for the use of the property for the operation of the Model Airplane Facility.

Compliance or Monitoring Action to be Performed: The applicant shall apply for a permit extension at least 30 days prior to the expiration of the approved extension. The applicant shall stop operation of the facility if the application for the extension is not submitted within this time frame.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant 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 applicant 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 within 60 days of the approval of the Extension Request by the Planning Commission. 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: Within 60 days of the approval of the extension of the Use Permit, the Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

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

5. PDSP002

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approval of the Extension Request is subject to all previously required Conditions of Approval in Planning Commission Resolution Nos. 90-309 (File PC-7482) and PLN010043 (File PLN010043) as they may apply to the use of the facility.

Compliance or Monitoring Action to be Performed: Comply with all conditions of approval in an on-going basis.

6. EHSP01 - No Fires Onsite (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to California Code of Regulations, Title 27: 21190. CIWMB - Postclosure Land Use. (T14:Section 17796), fires and open flames are prohibited onsite.

Compliance or Monitoring Action to be Performed: Within 30 days of approval of the extension of the Use Permit, the applicant shall install language in prominent locations on the site indicating that fires are not allowed. The applicant shall submit proof (Photographs) to the Environmental Health Bureau that the signage has been installed. The signage shall be maintained during operation of the facility.

7. NON-STANDARD CONDITION - PORTABLE FIRE EXTINGUISHERS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRESPO3 - PORTABLE FIRE EXTINGUISHERS (NON-STANDARD CONDITION)
Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9 and Title 19 California Code of Regulations. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed: Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a final building inspection, Applicant shall install the applicable portable fire extinguisher(s) and shall obtain fire department approval of the final fire inspection.

8. FIRESPO1 - VEGETATION MANAGEMENT

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The facility parking area, access roadway and access roadway shoulder shall be maintained in a condition that is free of flammable vegetation and litter. The access roadway shoulder shall consist of 3 feet beyond the edge of the roadway on each side. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed: Lessee shall maintain the site free of flammable vegetation and litter

9. FIRESPO2 - TRASH RECEPTICLES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRESPO2 - TRASH RECEPTICLES
Trash containers shall be non-combustible and shall be emptied on a regular basis. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

10. FIRESPO4 - ADDRESS POSTING

Responsible Department: Fire

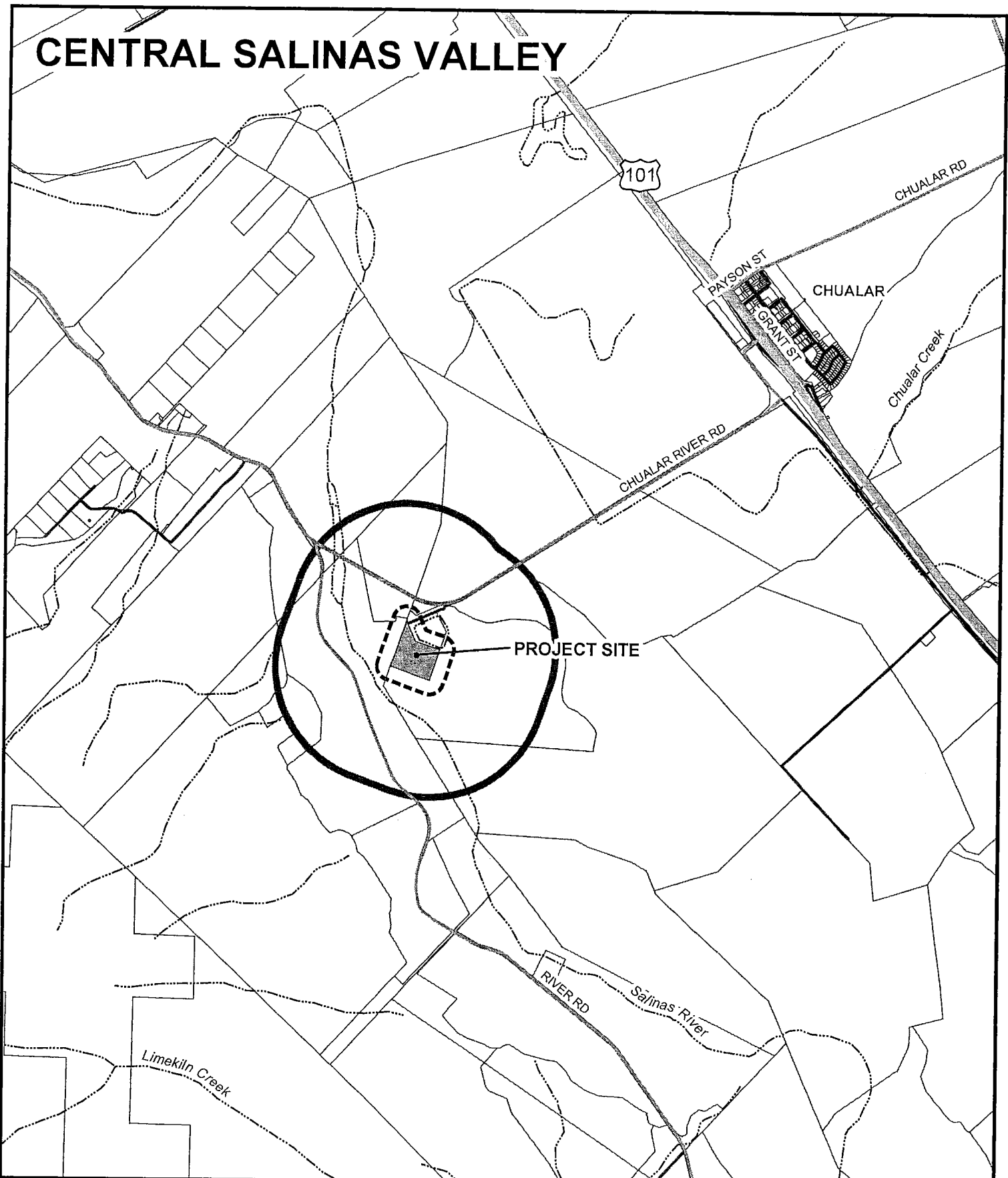
**Condition/Mitigation
Monitoring Measure:**

Each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Monterey County Regional Fire District)

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

Lessee shall maintain existing address numbers at the corner of Chualar River Road and Chualar Dump Road in accordance with this condition.

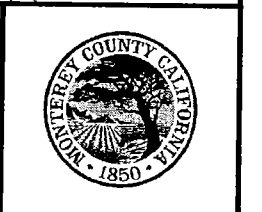
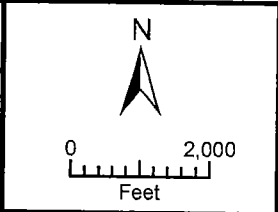
CENTRAL SALINAS VALLEY



APPLICANT: COUNTY OF MONTEREY

APN: 269-031-013-000 FILE # PLN120178

Water 2500' Limit 300' Limit City Limits



PLANNER: OSORIO