

Attachment C
Recommended Conditions of Approval
(Matrix)

Charles F. & Judith A. Nichols TRS
(Yanks Air Museum)
PLN120376

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120376

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. The permit consists of a Lot Line Adjustment between two legal lots of record of approximately 111.29 acres (Parcel A Assessor's Parcel Numbers 111 012 017 000 and 111-012-019-000) and 329.38 acres (Parcel B Assessor's Parcel Numbers 111 012 018 000 and 111-012-020-000), resulting in two lots of 134.67 acres (Parcel 1 "Yanks Air Museum" and related mixed use development) and 306.00 acres (Parcel 2), respectively. The Lot Line Adjustment includes the adjustment of Williamson Act Lands consisting of the removal of 34 acres under Williamson Act Agricultural Preserve No. 71-41 (AGP No.71-41) and Land Conservation Contract No. 71-41 (Contract No. 71-41) (Parcel B- Assessor's Parcel Numbers 111 012 018 000 and 111-012-020-000 owned by Charles F. Nichols and Judith A. Nichols, Trustees of the Nichols Family Trust, U/D/T Dated May 19, 1966) including: removal of 11 acres of the land under AGP No. 71-41 and Contract currently located in Parcel A (Assessor's Parcel Numbers 111 012 017 000 and 111-012-019-000) and removal of 23 acres of land under Contract currently located in Parcel B (Assessor's Parcel Numbers 111 012 018 000 and 111-012-020-000). The lot line adjustment would result in a 134.67-acre parcel (Proposed Parcel 1) for the "Yanks Air Museum" and related mixed use development, and a 306-acre Parcel (Proposed Parcel 2) which would be under the Amended Williamson Act Contract and correspond to the area of the 306-acre Agricultural Conservation Easement required as part of the approval of the Yanks Air Museum Project. 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 Lot Line Adjustment of lands under Williamson Act (Resolution Number ***) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Numbers 111-012-017-000, 111-012-018-000, 111-012-019-000 and 111-012-020-000, on November 6, 2012. The permit was granted subject to five (5) conditions of approval which run with the land. All previously required conditions of approval for the Yanks Air Museum are still applicable to the project. 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 or concurrent with the recordation of the required Certificates of Compliance, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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, 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.
(RMA - Planning Department)

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 Certificates of Compliance whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

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

4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly configured parcels.
(RMA - Planning Department)

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

5. PD037 - WILLIAMSON ACT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner shall enter into any new or amended contract or contracts with the Board of Supervisors for the of property under Williamson Act contract deemed necessary by the Office of the County Counsel.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The property owners of record shall execute a new or amended contract or contracts to be prepared by the Office of the County Counsel, which shall be recorded concurrent with the recordation of the Certificate of Compliance.