

Attachment C-1
Recommended Conditions of Approval

Sea Mist Farms LLC
Desert Mist LLC
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PLN120746

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Monterey County Planning Department
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan
PLN120746

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This a Lot Line Adjustment between four (4) lots of record within Farmland Security Zone (FSZ) Contract No. 2012-010 and removal of 7.42 acres from Williamson Act Agricultural Preserve (AgP) No. 73-12 and Land Conservation Contract No. 73-12 to: reduce a 349.33 acre parcel (Lot MM, Assessor's Parcel Numbers (APN) 167-081-006-000) to a 335.11 acre parcel (proposed Lot 1); increase a 0.84 acre parcel (Lot LL, a portion of APN 167-011-013-000) to a 14.22 acre parcel (proposed Lot 2); reduce a 30.7 acre parcel (Lot GG, a portion of APN 167-011-015-000) to a 6.28 acre parcel (proposed Lot 3); and increase a 29.3 acre parcel (Lot DD, a portion of APN 167-011-015-000 and a portion of APN 167-011-013-000) to a 54.56 acre parcel (proposed Lot 4). A 7.42 acre portion of Lot GG (30.7 acres), a portion of APN 167-011-015-000, will be removed from Williamson Act AgP No. 73-12 and Land Conservation Contract No. 73-12. This action includes approval of an administrative correction to remove a total of 24.33 acres (APN Nos. 137-151-006-000 [2.31 acres], 137-151-007-000 [1.59 acres] and 137-151-008-000 [20.43 acres]) currently within FSZ No. 2012-010 from Ag P No. 83-05 and Land Conservation Contract Nos. 83-05 83-26-5.a. to correct an inadvertent omission from Board of Supervisors Resolution No. 2011-379 which placed portions of the property subject to Ag P No. 73-12 and Land Conservation Contract No. 73-12 and Ag P No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a. into FSZ No. 2012-010 and FSZ Contract No. 2012-010 without rescinding Ag P No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a. as applicable to the 24.33 acres of property within FSZ No. 2012-010 and now subject to FSZ Contract No. 2012-010. This Lot Line Adjustment and administrative correction 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 Lot Line Adjustment (Resolution Number ***) was approved by Board of Supervisors for Assessor's Parcel Numbers 167-081-006-000, 167-011-013-000, 167-011-015-000, 137-151-006-000, 137-151-007-000 and 137-151-008-000 on January 15, 2013. The permit was granted subject to seven (7) 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: Said Permit Approval Notice shall be recorded concurrently with the Certificates of Compliance. 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 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.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the recordation of the Certificates of Compliance, issuance of building permits, use of the property, recording of the final/parcel map, 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. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 2 years, to expire on January 15, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall comply with the Monterey County Board of Supervisors Resolution which approved this action and project conditions of approval to the satisfaction of the Director of Planning, Office of the County Counsel and Monterey County Water Resources Agency, as applicable. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

5. PD037 - WILLIAMSON ACT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into any new or amended Williamson Act Agricultural Preserve Land Conservation Contract or Contracts and/or Farmland Security Zone (FSZ) Contract or Contracts with the Board of Supervisors of the County of Monterey for the Lot Line Adjustment of Williamson Act Lands and to formalize administrative corrections to any existing Land Conservation and/or FSZ Contracts deemed necessary by the Office of the County Counsel consistent with the Monterey County Board of Supervisors Resolution which approved this action. (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 County Counsel, which shall be recorded concurrently with the recordation of the Certificates of Compliance.

6. PDSP001 - NON STANDARD - B-6 OVERLAY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant/owner shall have a B-6 overlay placed on the property to limit any further subdivision of said property.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Certificates of Compliance, the applicant shall submit an application for a B-6 zoning overlay request.

7. WR033 - FLOODPLAIN NOTICE - LL

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a recorded floodplain notice, for each of the newly aligned Lots 1, 2 and 4, 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." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Submit signed and notarized floodplain notices to the Water Resources Agency for review and approval.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us

The notices shall be recorded concurrently with the certificates of compliance.