

Attachment C

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When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: **JOSEPH SIDOR**
1441 Schilling Place, South Building, 2nd
Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

No fee document pursuant to
Government Code Section 27383

Permit No.: PLN130552

Resolution No.: 15-002

Owner Names: Debra Short, Trustee of the Maxine Norma Andersen Revocable Trust under Trust Agreement dated January 6, 1993; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Ella L. Moran; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Milton E. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Robert P. Pedrazzi; Sandra L. Day, Trustee of the Sandra L. Day Trust, dated November 20, 2009; Peter N. Pedrazzi, James N. Pedrazzi and David M. Pedrazzi, Trustees of the Exemption Trust under the 1993 Pedrazzi Revocable Trust u/d/t dated December 3, 1993; James N. Pedrazzi and David Pedrazzi, Co-Trustees of the Generation-Skipping Exemption Trust under the 1990 Agnes Pedrazzi Revocable Trust dated April 6, 1990; David M. Pedrazzi, Trustee of the 2012 Pedrazzi Irrevocable Trust #1 UTA dated December 27, 2012; Loren Cloninger, also known as Loren E. Cloninger, an unmarried man; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Milton E. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Robert P. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Ella L. Moran; James N. Pedrazzi and Donna C. Pedrazzi, Co-Trustees of the Pedrazzi Family Trust dated October 26, 2005; David M. Pedrazzi and Debra J. Pedrazzi, Trustees of the 1994 Pedrazzi Revocable Trust u/d/t dated August 12, 1994;

The Undersigned Grantor(s)
Declare(s): DOCUMENTARY
TRANSFER TAX OF \$ 0
[] computed on the consideration or
full value of property conveyed, OR
[] computed on the consideration or
full value less value of liens and/or
encumbrances remaining at time of
sale,
[] unincorporated area; and
[X] Exempt from transfer tax,
Reason: Transfer to governmental
entity

Signature of Declarant or Agent

Project Planner: Joseph Sidor

APNs: 139-083-002-000, 139-083-004-000,
139-084-003-000 & 139-084-008-000

CONSERVATION AND SCENIC EASEMENT DEED (INLAND)

THIS DEED made this 12th day of December, 2018, by and between Debra Short, Trustee of the Maxine Norma Andersen Revocable Trust under Trust Agreement dated January 6, 1993; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Ella L. Moran; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Milton E. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Robert P. Pedrazzi; Sandra L. Day, Trustee of the Sandra L. Day Trust, dated November 20, 2009; Peter N. Pedrazzi, James N. Pedrazzi and David M. Pedrazzi, Trustees of the Exemption Trust under the 1993 Pedrazzi Revocable Trust u/d/t dated December 3, 1993; James N. Pedrazzi and David Pedrazzi, Co-Trustees of the Generation-Skipping Exemption Trust under the 1990 Agnes Pedrazzi Revocable Trust dated April 6, 1990; David M. Pedrazzi, Trustee of the 2012 Pedrazzi Irrevocable Trust #1 UTA dated December 27, 2012; Loren Cloninger, also known as Loren E. Cloninger, an unmarried man; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Milton E. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Robert P. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Ella L. Moran; James N. Pedrazzi and Donna C. Pedrazzi, Co-Trustees of the Pedrazzi Family Trust dated October 26, 2005; David M. Pedrazzi and Debra J. Pedrazzi, Trustees of the 1994 Pedrazzi Revocable Trust u/d/t dated August 12,

1994; as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, as Grantee,

WITNESSETH:

WHEREAS, said Grantor is the owner in fee of the real property more particularly described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey County, California (hereinafter "the Property"); and

WHEREAS, the Property of said Grantor has certain natural scenic beauty and existing openness; and

WHEREAS, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of said Property of the Grantor; and

WHEREAS, pursuant to order of the Monterey County Superior Court dated March 29, 2013 in the matter of **LOREN E. CLONINGER; DEBRA SHORT, Trustee of the Maxine Norma Andersen Revocable Trust UTA dated January 6, 1993; JAMES N. PEDRAZZI and DAVID PEDRAZZI, Co-Trustees of the Generation-Skipping Exemption Trust under the 1990 Agnes Pedrazzi Revocable Trust u/d/t dated April 6, 1990; PEDRAZZI FARM LANDS, L.P.; PEDRAZZI HILL RANCH, L.P. SANDRA ZUCK, a/k/a SANDRA LEE DAY, Plaintiffs v. ELLA L. MORAN, MILTON E. PEDRAZZI and ROBERT P. PEDRAZZI, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990; ELLA L. MORAN, MILTON E. PEDRAZZI and ROBERT P. PEDRAZZI, Co-Trustees of The Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust, u/d/t dated November 21, 1990; ESTATE OF PAUL V. PEDRAZZI, and all persons unknown claiming any interest in the property as Does I through XX, inclusive, Defendants; Case Number M-83258, James Cook has been duly appointed as a referee with authority to carry out and execute all documents required for the subdivision of the Corey Ranch; and**

WHEREAS, a **Tentative Map** (File Number **PLN130552**) (hereinafter referred to as the "Permit") was granted on **January 14, 2015** by the Monterey County **Planning Commission** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **15-002**. That resolution is attached hereto as Exhibit "B" (without plans)

and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s):

Condition No. 12

A conservation and scenic easement shall be conveyed to the County over those portions of Parcels E and F that contain riparian forest habitat. The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recording the record of survey.

WHEREAS, the County, acting on behalf of the People of the State of California and in accordance with the Findings, Evidence and Conditions contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described above requiring inter alia, that the Grantor record a conservation and scenic easement (hereinafter "easement") over the Property as shown in Exhibits "C-1" and "C-2" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on natural resources and public access to those resources which could occur if the Property were not restricted in accordance with this easement; and

WHEREAS, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

WHEREAS, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey the conservation and scenic use as herein expressed of the Property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

NOW, THEREFORE, the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real

property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described in Exhibits "C-1" and "C-2," attached hereto, and made a part hereof, hereinafter referred to as the "Conservation and Scenic Easement Area."

B. RESTRICTIONS. The restrictions hereby imposed upon the use of the Conservation and Scenic Easement Area by the Grantor and the acts which said Grantor shall refrain from doing upon the Conservation and Scenic Easement Area in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon the Conservation and Scenic Easement Area.

2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area.

4. That the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.

5. That no use of the Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Property other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes, and conditions of this easement: The use and occupancy of the Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.

D. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Grantor by this instrument shall be subject to all applicable laws regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Property contrary to the terms of this grant of easement will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

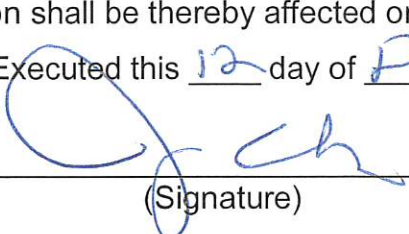
I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments,

officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. SEVERABILITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 12 day of December, 2015, at Carson, California.

By: 

(Signature)

James Cook, Court Appointed Referee
(Print or Type Name and Title)

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

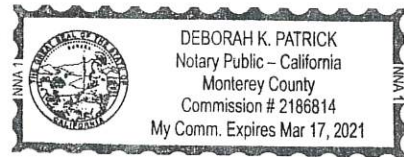
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On December 12, 2018 before me, Deborah K. Patrick, a Notary Public, personally appeared James Cook, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Deborah K. Patrick



(Seal)

ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated January 14, 2015 from Debra Short, Trustee of the Maxine Norma Andersen Revocable Trust under Trust Agreement dated January 6, 1993; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Ella L. Moran; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Milton E. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Robert P. Pedrazzi; Sandra L. Day, Trustee of the Sandra L. Day Trust, dated November 20, 2009; Peter N. Pedrazzi, James N. Pedrazzi and David M. Pedrazzi, Trustees of the Exemption Trust under the 1993 Pedrazzi Revocable Trust u/d/t dated December 3, 1993; James N. Pedrazzi and David Pedrazzi, Co-Trustees of the Generation-Skipping Exemption Trust under the 1990 Agnes Pedrazzi Revocable Trust dated April 6, 1990; David M. Pedrazzi, Trustee of the 2012 Pedrazzi Irrevocable Trust #1 UTA dated December 27, 2012; Loren Cloninger, also known as Loren E. Cloninger, an unmarried man; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Milton E. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Robert P. Pedrazzi; Ella L. Moran, Milton E. Pedrazzi and Robert P. Pedrazzi, Co-Trustees of the Non-Exempt Trust under the 1990 Paul V. Pedrazzi Revocable Trust u/d/t dated November 21, 1990 f/b/o Ella L. Moran; James N. Pedrazzi and Donna C. Pedrazzi, Co-Trustees of the Pedrazzi Family Trust dated October 26, 2005; David M. Pedrazzi and Debra J. Pedrazzi, Trustees of the 1994 Pedrazzi Revocable Trust u/d/t dated August 12, 1994; to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on _____, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on _____,) and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____.

John M. Phillips
Chair, Monterey County Board of Supervisors

ATTEST:
DATED: _____.

Valerie Ralph
Clerk of Said Board

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

Document Form/Content Acceptable:
Leslie J. Girard, County Counsel-Risk Manager

By: [Signature] DATED: 10-31-17

Type/Print Name: Brian Briggs, Deputy County Counsel

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 139-083-002, 139-083-004, 139-084-003 and 139-084-008

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

Lots 65, 66, 71, 72, 73, 74, 75, 76, 99, 100, 101, 102, and 103, as shown on the map entitled, "Map of the Subdivisions of the Rancho BuenaVista, Monterey County, California", etc., filed March 18, 1889 in the Office of the County Recorder of the County of Monterey, State of California and now on file in said Office in Map Book One, Maps and Grants, Outside Lands at Page 63, therein.

Excepting therefrom an undivided 7/90 interest in all of the oil, gas, and other minerals and mineral rights whether metallic or nonmetallic, together with reasonable right of ingress and egress to and from said land for the purposes of drilling and mining, as excepted in the deed from Evelyn Pedrazzi Logan, et al, dated July 8, 1961 and recorded August 30, 1961 in Volume 2178 Official Records, at Page 282.

APN: 139-083-002, 139-083-004

PARCEL II:

Lots 104, 105, 106, 107, and 108, containing a gross area of 697.95 acres, as said lots are shown on the Map entitled "Map of the Subdivisions of the Rancho Buena Vista, Monterey County, California; the property of the Buena Vista Land Company, subdivided by Chas. O. King; surveyed by F.L. Hennett and V.R. Elliott, January and February, 1889, compiled by Chas. O. King, San Luis Obispo, Cal." filed March 18, 1889 in the Office of the County Recorder of the County of Monterey, State of California, and now on file and of record in said Office in Map Book One, Maps and Grants, (Outside Lands) at Page 63, therein.

EXCEPTING from said Lot 104 and the tract containing 14.9 acres conveyed by Hiram Corey to Howard Hickok, by Deed dated December 8, 1896, recorded in Volume 51 of Deeds at Page 122, Records of said County.

ALSO EXCEPTING from said Lot 105 the tract containing 47.68 acres conveyed by Hiram Corey to W. Robinson by Deed dated August 17, 1901 recorded in Volume 69 of Deeds, at Page 60, Records of said County.

ALSO EXCEPTING from said Lot 108 that certain tract containing 14.268 acres conveyed by Agostina L. Pedrazzi, et al, to the Heirs of Elvezio P. Pedrazzi, deceased, by Deed dated December 1, 1942 and recorded in Volume 784 of Official Records, at Page 106, Records of said County.

ALSO EXCEPTING from said Lots 107 and 108 all that certain real property particularly described as follows:

BEGINNING in the centerline of River Road (a county road 50 feet wide) at the most Easterly corner of that certain 14.268 acre tract of land conveyed from Agostina L. Pedrazzi, et al, to the Heirs of Elvezio P. Pedrazzi, deceased, by Deed dated December 1, 1942 and recorded in Volume 784 of Official Records, at Page 106, Records of said County, and running thence along the Southeasterly and Southwesterly boundaries of said 14.268 acre tract of land

(1) S. 28° 14' W., 813.31 feet; thence

(2) S. 14° 30' E., 121.6 feet; thence

(3) S. 31° 12' W., 136.57 feet; thence

(4) S. 71° 21' W., 25.5 feet; thence

(5) N. 81° 50' W., 171.93 feet; thence

(6) N. 57° 11' W., 476.08 feet to the most Westerly corner of said 14.268 acre tract of land in the Northwesterly boundary

of said Lot 108, said boundary being shown on the hereinafter mentioned filed map as the centerline of a 40 foot road; thence leave the boundary of said 14.268 acre tract of land and running along the Westerly boundary of said Lot 108 to and along a portion of the Westerly boundary of said Lot 107

(7) S. 34° 15' W., 484.41 feet; thence

(8) S. 4° 00' E., 1890.67; feet thence

(9) S. 37° 00' W., 368.28 feet; thence

(10) S. 17° 00' E., 284.81 feet; thence leave last mentioned boundary and road centerline and running through said Lot 107

(11) S. 70° 28 1/2' E., 1135.25 feet, at 105.3 feet a spike on a ground limb of a 6" diameter live oak tree, at 180.05 feet a spike on a 8" diameter limb of a 36" diameter live oak tree, at 220.0 feet a 1" diameter iron pipe on top of a bank, at 592.7 feet a 1" diameter iron pipe, 1135.25 feet to a 1 1/2" diameter iron pipe standing at a fence corner; thence following said fence

(12) N. 0° 18' E., 292.72 feet to a 1 1/2" diameter iron pipe standing at an angle point in said fence; thence

(13) N. 36° 28 1/2' E., 196.77 feet to a 1 1/2" diameter iron pipe standing at an angle point in said fence; thence

(14) N. 15° 28' E., 311.24 feet to a 1 1/2" diameter iron pipe standing at an angle point in said fence; thence

(15) N. 70° 24 1/2' W., 558.31 feet to a 1 1/2" diameter iron pipe standing at an angle in said fence; thence

(16) N. 21° 07' E., 235.47 feet to a 1 1/2" diameter iron pipe standing at an angle point in said fence; thence

(17) N. 27° 20 1/2' E., 279.69 feet to a 1" diameter iron pipe standing at an angle point in said fence; thence

(18) N. 16° 33' E., 192.33 feet to a 1" diameter iron pipe standing at an angle point in said fence; thence

(19) N. 50° 04' W., 154.36 feet to a 1 1/2" diameter iron pipe standing at an angle point in said fence; thence

(20) N. 21° 00' E., 244.84 feet to a 1 1/2" diameter iron pipe standing at an angle point in said fence; thence

(21) N. 29° 27 1/2' E., 619.9 feet to a 1" diameter iron pipe standing at an angle point in said fence; thence

(22) N. 42° 40 1/2' E., 223.1 feet to a 1 1/2" diameter iron pipe standing at an angle point in said fence; thence

(23) N. 51° 50' E., 788.28 feet at 449.8 feet a 1 1/2" diameter iron pipe, at 764.05 feet a 1 1/2" diameter iron pipe standing in the Southwesterly road fence; 788.23 feet to a point in the Northeasterly boundary of said Lot 107 in the centerline of River Road; thence along said road centerline and Northeasterly boundary to and along the Northeasterly boundary of said Lot 108

(24) N. 43° 32 1/4' W., 1103.64 feet to the place of beginning.

APN: 139-084-003; APN: 139-084-008

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

In the matter of the application of:

PEDRAZZI JAMES N TR ET AL (PLN130552)

RESOLUTION NO. 15-002

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Negative Declaration;
- 2) Approving a Minor Subdivision Tentative Map to allow the division of a 940.272 acre parcel into six (6) parcels (Parcel 1, 142.36 acres; Parcel 2, 395.15 acres; Parcel 3, 171.44 acres; Parcel 4, 134.52 acres; Parcel 5, 52.933 acres; and Parcel 6, 43.869 acres); and
- 3) Waiving the requirement to file a parcel map, pursuant to MCC 19.04.005.B.

[PLN130552, Pedrazzi, located at 581 River Road, south of Parker and Corey Roads, Salinas, Toro Area Plan (APNs: 139-083-002-000, 139-083-004-000, 139-084-003-000, and 139-084-008-000)]

The Pedrazzi application (PLN130552) came on for public hearing before the Monterey County Planning Commission on January 14, 2015. 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:** **PROJECT DESCRIPTION** – The proposed project is a Minor Subdivision of a 940.272 acre parcel into six (6) parcels (Parcel 1, 142.36 acres; Parcel 2, 395.15 acres; Parcel 3, 171.44 acres; Parcel 4, 134.52 acres; Parcel 5, 52.933 acres; and Parcel 6, 43.869 acres).
EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN130552.

2. **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;
 - Toro Area Plan;
 - Agricultural and Winery Corridor Plan;
 - Monterey County Zoning Ordinance (Title 21); and
 - Monterey County Subdivision Ordinance (Title 19 - Inland).No conflicts were found to exist. The County received communications during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents; however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents above.

- b) The property is located at 581 River Road, south of Parker and Corey Roads, Salinas (Assessor's Parcel Numbers 139-083-002-000, 139-083-004-000, 139-084-003-000, and 139-084-008-000), Toro Area Plan. The property is zoned Farmland, 40 acre minimum lot size, with a Design Control Overlay (F/40-D), which allows for a subdivision with a minimum lot size of 40 acres. The proposed lots would range in size from approximately 44 to 395 acres. Therefore, the subdivision is consistent with land use and zoning requirements.
- c) The project planner conducted a site inspection on August 9, 2013, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Subdivision: See Finding No. 7.
- e) Long-Term Sustainable Water Supply and Adequate Water Supply System: See Finding No. 8.
- f) Williamson Act: See Finding No. 9.
- g) Approximately 843 acres of the existing 940 acre property are in active agricultural production. The Farmlands Zoning District allows for single family dwellings accessory to the agricultural use of the property, not exceeding three in total for an owner, operator and employees employed on site (Title 21, Section 21.30.030.B). The subject application does not include the construction of infrastructure, accessory structures, or single-family dwellings, and it is not anticipated that new accessory structures or single-family dwellings would be proposed in the foreseeable future. However, the project has the potential of accommodating a total of 12 residential units (3 units on 4 of the 6 proposed lots). Single-family dwellings would be required to be consistent with the development regulations of Title 21 and the requirement of Section 21.30.030.B (Condition No. 7), which requires any residential use to be accessory to the ongoing agricultural use of the property. Furthermore, residential use accessory to the agricultural use of the properties is consistent with 2010 Monterey County General Plan policies that promote agriculturally-related housing (Policies AG-1.6 and AG-1.7).
- h) The project was referred to the Toro 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, this application did warrant referral to the LUAC because it involved development requiring CEQA review. The Toro LUAC, at a public meeting on February 10, 2014, voted unanimously (5 – 0) to support the project as proposed.
- i) The project was referred to the Monterey County Agricultural Advisory Committee (AAC) for review. Based on the 2010 Monterey County General Plan Policy AG-1.8, projects on lands designated for agricultural use that require a discretionary permit shall be referred to the County's AAC for review and recommendation to the decision-making body. The AAC, at a public meeting on March 27, 2014, voted unanimously (7 – 0) to support the project as proposed.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN130552.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Monterey County Regional Fire Protection District, Parks Department, RMA-Public Works, RMA-Environmental Services, 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) No site disturbance, grading, protected tree removal, or structural development is proposed as part of the subject application. Therefore, no biological or other natural resource impacts are anticipated, and the project site is suitable for the proposed minor subdivision. See also Finding No. 6 and supporting evidence.
 - c) Approximately 537 acres of oak woodland and grassland (the Corey Ranch Hills area located west of River Road) is under Williamson Act contract (Land Conservation Contract No. 73-13). The contract and the land use designation for the site requires that each subdivided parcel be capable of remaining a viable agricultural unit. The area under contract is identified in the County’s Geographic Information System as “Grazing” and “Other” land, and is proposed to be subdivided into two lots of 395.15 acres and 142.36 acres. Non-prime agricultural land is presumed to be in parcels large enough to sustain their agricultural use if the land is at least 40 acres (California Government Code § 66474.4). Therefore, the two proposed parcels would be capable of remaining viable agricultural units.
 - d) Proposed Parcels E and F (totaling approximately 97 acres) are located almost entirely in Zone A, 100-year floodplain, of the Salinas River. This 97 acre area includes approximately 36 acres of non-native grassland that appears to have been previously farmed and another 27 acres (for a total of 63 of the 97 acres) that could potentially be cultivated under allowed agricultural uses. Therefore, the parcels would retain economically viable uses for agriculture. To ensure that existing allowed uses under the Farmland zoning do not result in potential resource impacts, and consistency with General Plan Policy OS-5.22, the County has applied conditions of approval to restrict structural development and protect riparian forest habitat on proposed Parcels E and F (Condition Nos. 7 and 12).
 - e) Staff conducted a site inspection on August 9, 2013, 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 for the proposed development found in Project File PLN130552.
4. **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 RMA - Planning, Monterey County Regional Fire Protection District, Parks Department, RMA-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) Refer to Finding No. 7, Subdivision, and supporting evidence.
 - c) Staff conducted a site inspection on August 9, 2013, to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN130552.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on August 9, 2013, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN130552.

6. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15063 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN130552).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - d) The Draft Negative Declaration ("ND") for PLN130552 was prepared in accordance with CEQA and circulated for public review from September 23 through October 24, 2014 (SCH#: 2014091062).
 - e) Issues that were analyzed in the Negative Declaration include:

aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.

- f) Evidence that has been received and considered includes: the application, technical studies/reports (Biological Assessment – LIB090484), staff reports that reflect the County’s independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in RMA-Planning (PLN130552) and are hereby incorporated herein by reference.
- g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources. The site supports or has the potential to support riparian forest habitat, the two-striped garter snake, nesting raptors, and the dusky-footed woodrat (the only sensitive wildlife species observed in the area). For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Wildlife for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (Condition No. 3).
- h) The County considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Negative Declaration. The County received comments from LandWatch Monterey County regarding a lack of environmental review of foreseeable uses allowed by right and inconsistency with General Plan Policy LU-1.19. The County reviewed the development that the proposed subdivision would allow as ministerial actions in the Initial Study prepared for the project, and determined the potential impacts associated with this type of accessory residential development would be less than significant or none. An agricultural subdivision, with no other development proposed, does not constitute a de facto intensification of use because the lots are economically viable as farmland. Conditions of approval have been applied to require that any future residential development ensure the long-term agricultural viability of each parcel (Condition No. 7), and that wastewater feasibility and water quality/quantity be demonstrated prior to any structural development beyond that required for the existing agricultural operations (Condition Nos. 8 and 9). Also, the County does not view the application of the conditions regarding wastewater feasibility and demonstration of water quality/quantity as deferred mitigation because the subdivision does not propose any structural development and residential development is not a

de facto foreseeable use on the property. The County has also applied Condition No. 12 to protect riparian forest habitat on proposed Parcels E and F. The County also finds that this subdivision of agricultural lands is consistent with Policies AG-1.3 and LU-3.2, and consistent with Policy LU-1.19 (see also Finding No. 2, Evidence g, and Finding No. 10).

- i) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

7. FINDING:

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

EVIDENCE:

- a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan and Toro Area Plan (see Finding No. 2).
- b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. All proposed lots will meet the minimum lot width and depth requirement. Section 19.10.030.B establishes minimum and maximum lot dimensions for newly created parcels unless they are created as part of a planned unit development. The minimum lot width required is 60 feet and the minimum depth required is 85 feet, but not more than three times the width. All proposed lots will meet the minimum lot width and depth requirement. There are no hardships or unusual circumstances imposed by allowing a parcel of the sizes and dimensions requested. Also, all lots will exceed the minimum size requirement of 40 acres.
- c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding No. 3).
- d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding No. 6).
- e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be

detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding No. 4).

- f) Water Supply. MCC Section 19.10.070 requires provision be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long term water supply. The Monterey County Environmental Health Bureau (EHB) reviewed the proposed subdivision and determined that water quality and quantity testing would not be required for subdivision of agricultural lands; however, conditions have been applied requiring a deed restriction to inform any potential buyers (or future owners) that water quality/quantity must be demonstrated prior to any structural development beyond that required for the existing agricultural operations (Condition No. 8) (see also Finding Nos. 4 and 8, and supporting evidence).
- g) Sewage Disposal. MCC Sections 19.03.015.K and 19.07.020.J require that provision be made for adequate sewage disposal. The proposed agricultural subdivision would not add any new structures or uses that would require increases to service from existing utility systems. Utilities required for the agricultural use of the site are already in place, and the proposed project would not generate additional demand nor warrant the expansion of the current infrastructure. The proposed subdivision would not contribute to any existing wastewater treatment facilities and would not generate any increase in solid waste. The Monterey County Environmental Health Bureau (EHB) reviewed the proposed project and determined that wastewater feasibility studies would not be required; however, EHB applied a requirement for deed restrictions to inform any potential buyers (or future owners) that wastewater feasibility and water quality/quantity must be demonstrated prior to any structural development beyond that required for the existing agricultural operations (Condition No. 9). See also Finding No. 4 and supporting evidence.
- h) Easements. The subdivision will not conflict with easements. The County has reviewed the existing and proposed easements shown on the tentative map, and no conflicts were found.
- i) Traffic. The subject property has existing access from River Road, and the proposed subdivision of agricultural lands involves the creation of five new parcels located on this relatively low-traffic county road. No new structural development or uses are proposed that would generate new traffic or increase the number of vehicle trips above the existing baseline; therefore, no change in roadway level of service is anticipated. The roadways in the immediate area are not at degraded levels of service, and the proposed subdivision would not cause any roadway or intersection level of service to be degraded. Access to the proposed parcels would remain unchanged, so the subdivision would not increase hazards due to a design feature, nor exacerbate any conflicts due to incompatible uses (i.e., the site is zoned for farming uses and the continued use of existing farm equipment/vehicles). Monterey County

RMA-Public Works reviewed the proposed project and did not apply any conditions of approval related to traffic. Also, Regional and/or County traffic fees are not required for this project application.

- j) Access. The subject property has existing access from River Road, and four of the resulting parcels (Parcels A, B, C, and D as shown on the Tentative Parcel Map) will continue to have direct access from County roads (i.e., River Road, Parker Road, and/or Abbott Road). Due to the waiver of the requirement to file a Parcel Map, the County will require the owner of Parcel D to convey an access easement to Parcels E and F (Condition No. 13).
- k) Affordable Housing. Subdivisions in Monterey County are subject to review by the Housing Office of the Economic Development Department (EDD) for conformance to the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code. EDD reviewed the project application and determined the project is exempt under the Inclusionary Housing Ordinance, per Chapter 18.40.060.B. RMA-Planning received a memorandum from the Housing Office, dated November 24, 2014, confirming this exemption. A copy of this memorandum is in the project file for PLN130552.
- l) Parks and Recreation. The Monterey County Parks Department reviewed the project application and determined that the applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by recording a deed restriction stating: "The subdivision is subject to recreation fees based on Section 19.12.010 E. (2.) Recreation Requirements of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication if a property owner requests building permits for the construction of a residential structure or structures on one or more of the parcels created by the subdivision within four (4) years after the approval of the subdivision" (Condition No. 10).
- m) Waiver of Requirement to File a Parcel Map. Pursuant to MCC 19.04.005.B, the Applicant requested a waiver of the requirement to file a parcel map. The County may waive this requirement upon making the finding that all applicable requirements of Title 19 and the Subdivision Map Act have been met. The County has found that the proposed subdivision meets all applicable requirements, and in lieu of a parcel map will require the Applicant to file a record of survey (Condition No. 11). In addition, the County will issue Certificates of Compliance (Condition No. 6).
- n) Subdivision of Important Farmland. The approximately 403 acre project area located east of River Road is identified in the County's Geographic Information System as "Prime Farmland" and "Other" land, and is proposed to be subdivided into four lots of 171.44 acres, 134.52 acres, 52.933 acres, and 43.869 acres. Prime agricultural land is presumed to be in parcels large enough to sustain agricultural use if the land is at least 10 acres (California Government Code Section 66474.4). Therefore, the four proposed parcels east of River Road would be capable of remaining viable agricultural units (see also Finding No. 3, Evidence c). The 2010 Monterey County General Plan Policy AG-1.3 allows subdivision of Important Farmland, as mapped by the California

Department of Conservation Farmland Mapping and Monitoring Program, and designated by the County as "Farmland," only for exclusive agricultural purposes. The parcels under this agricultural subdivision would remain in active agricultural production, and the subdivided parcels would be capable of remaining as viable agricultural units. In addition, the project does not involve any structural or infrastructure improvements. Therefore, the County finds the proposed agricultural subdivision consistent with Policy AG-1.3. Furthermore, the County acknowledges that supporting these types of projects is integral to the preservation and enhancement of all viable agricultural lands, consistent with the 2010 General Plan.

- o) The project planner conducted a site inspection on August 9, 2013.
- p) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130552.

8. FINDING:

LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM:

The project has an adequate water supply system to serve the development. The project is not required to provide proof of a Long-Term Sustainable Water Supply under General Plan Policy PS-3.1.

EVIDENCE:

- a) The proposed project consists of the subdivision of an approximately 940 acre parcel into six parcels ranging in size from approximately 44 to 395 acres. The proposed subdivision of agricultural lands does not include any changes to the existing agricultural uses, nor any infrastructure or structural development.
- b) The proposed project is not required to provide proof of a Long-Term Sustainable Water Supply under General Plan Policy PS-3.1, as amended March 11, 2013 (by Board Resolution No. 13-028), because the proposed project is within Zone 2C of the Salinas Valley groundwater basin, and there is no evidence to rebut the presumption of a long-term sustainable water supply.
- c) The proposed project will not result in intensification of the existing agricultural use of the property, and will not result in intensification of use of water.
- d) The water source for the proposed development is four on-site wells that support the existing agricultural operations. The current use of water for agricultural irrigation would continue without any anticipated increase in withdrawal.
- e) The Monterey County Environmental Health Bureau (EHB) reviewed the proposed project and determined that water quality and quantity testing would not be required; however, EHB has applied a requirement for deed a restriction to inform any potential buyers (or future owners) that water quality/quantity must be demonstrated prior to any structural development beyond that required for the existing agricultural operations (Condition No. 8).
- g) The proposed project is in Zone 2C and is otherwise consistent with the policies applicable thereto. The proposed project is consistent with all applicable General Plan Policies. See Evidence a in Finding No. 2 (Consistency).

- h) The application, tentative map and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN130552.

9. **FINDING:**

SUBDIVISION ON LAND UNDER WILLIAMSON ACT

CONTRACT – The approximately 537 acre portion of the project area located west of River Road is under Williamson Act contract (Land Conservation Contract No. 73-13) and therefore subject to Section 66474.4 of the California Government Code (Subdivision Map Act) and County-adopted Rules and Regulations for the Administration of Agricultural Preserves. The project is required to meet the following findings:

- a. That the proposed map is consistent with the applicable general plan policies and objectives.
- b. That the subdivision is consistent with the land use/zoning designation and minimum parcel size requirements of the zoning district.
- c. That the subdivision complies with County-adopted Rules and Regulations for the Administration of Agricultural Preserves because it has been demonstrated that:
 - i. Each parcel will be devoted to a qualifying agricultural use;
 - ii. Each parcel will meet the minimum parcel size of 10 to 40 acres or the minimum lot size, whichever is more restrictive for the type of contract;
 - iii. Each parcel will individually meet the minimum income requirement for a (Type I/Type II) Williamson Act contract, which is \$200 per acre for a Type I; or \$1.99 per acre or \$1,999.99 per farm operation for a Type II Williamson Act contract, whichever total is larger;
 - iv. Each parcel will remain under a Williamson Act contract and complies with the restrictions to agricultural and compatible uses; and
 - v. No land would be removed from the Williamson Act Program.
- d. That the subdivision complies with Section 66474.4 of the Subdivision Map Act pertaining to land under an existing California Land Conservation contract, referred to as Williamson Act contract, because the subdivision would not result in residential development that is not incidental to the agricultural operation.

- EVIDENCE:**
- a) Consistency with General Plan. The project, as designed and conditioned, is consistent with the applicable policies and objectives of the 2010 Monterey County General Plan and Toro Area Plan. See Finding No. 2 (Consistency).
 - b) Consistency with Zoning. The property is zoned Farmland, 40 acre minimum lot size, with a Design Control Overlay (F/40-D), which allows agricultural uses/development, and subdivision with a minimum lot size of 40 acres. The area under contract is proposed to be subdivided into two lots of 395.15 acres and 142.36 acres. Therefore, the project is consistent with the minimum parcel size requirement of the zoning district and an allowed land use for this site.
 - c) Compliance with County-adopted Rules and Regulations for the

Administration of Agricultural Preserves:

- i. Agricultural Use: The Applicant proposes to continue the existing agricultural (i.e., cattle grazing) use of the property, and no structural development is proposed under the subject application. Therefore, each proposed parcel would be devoted to a qualifying agricultural use. In addition, the Monterey County Agricultural Advisory Committee reviewed the project at a public meeting on March 27, 2014, and voted unanimously (7 – 0) to support the project and recommend approval as proposed.
 - ii. Minimum Lot Size per Contract. The proposed parcels of 395.15 acres and 142.36 acres exceed the minimum lot size requirement for this soil (“Grazing” and “Other” land) and contract type (Type I). Refer also to Finding No. 3, Evidence c.
 - iii. Income Requirement. Each proposed parcel is large enough to meet the income requirement for the type of soil and contract. Non-prime agricultural land is presumed to be in parcels large enough to sustain their agricultural use if the land is at least 40 acres (California Government Code § 66474.4). Therefore, the two proposed parcels would be capable of remaining economically viable agricultural units.
 - iv. Remain under Williamson Act Contract with Compatible Uses. The project does not involve cancellation of the existing contract (Land Conservation Contract No. 73-13). Condition No. 5 has been applied to require the Applicant to amend the current Williamson Act contract.
 - v. Removal of Land from Contract. No land currently under contract is proposed for removal from the Williamson Act Program.
- d) Compliance with Section 66474.4 of the Subdivision Map Act. The subdivision would not result in residential development that is not incidental to the agricultural operation. The project area under contract is in active agricultural production (i.e., cattle grazing). The Farmlands Zoning District allows for single family dwellings accessory to the agricultural use of the property, not exceeding three in total for an owner, operator and employees employed on site (Title 21, Section 21.30.030.B). The subject application does not include the construction of infrastructure, accessory structures, or single-family dwellings, and it is not anticipated that new accessory structures or single-family dwellings would be proposed in the foreseeable future. However, the project has the potential of accommodating a total of 6 residential units on the 2 proposed parcels under contract (3 units on 2 of the 6 proposed lots). Single-family dwellings would be required to be consistent with the development regulations of Title 21 and the requirement of Section 21.30.030.B. To avoid agricultural resource impacts and to ensure the long-term agricultural viability of each parcel, the County will issue Certificates of Compliance directing that future placement of dwellings or structures on the parcel not obstruct agricultural operations (Condition Nos. 6 and 7).

10. **FINDING:** **CONSISTENCY (2010 MONTEREY COUNTY GENERAL PLAN POLICY LU-1.19)** – The Project, as conditioned, is consistent with the

applicable 2010 General Plan policies. The proposed subdivision would be considered under Policy LU-1.19 and is being considered in advance of adoption of the Development Evaluation System (DES), but based on the specific facts associated with this application it is determined that the proposed subdivision would pass the DES.

EVIDENCE:

In this specific case, the proposed subdivision of agricultural lands is consistent with General Plan Policy LU-1.19. Policy LU-1.19 directs that *“Community Areas, Rural Centers and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity. The system shall be a pass-fail system and shall include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development. Evaluation criteria shall include but are not limited to:*

- a. Site Suitability*
- b. Infrastructure*
- c. Resource Management*
- d. Proximity to a City, Community Area, or Rural Center*
- e. Mix/Balance of uses including Affordable Housing consistent with the County Affordable/Workforce Housing Incentive Program adopted pursuant to the Monterey County Housing Element*
- f. Environmental Impacts and Potential Mitigation*
- g. Proximity to multiple modes of transportation*
- h. Jobs-Housing balance within the community and between the community and surrounding areas*
- i. Minimum passing score*

Residential development shall incorporate the following minimum requirements for developments in Rural Centers prior to the preparation of an Infrastructure and Financing Study, or outside of a Community Area or Rural Center:

- 1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered.*
 - 2) If the project is designed with at least 15% farmworker inclusionary housing, the minimum requirement may be reduced to 30% total.*
- This Development Evaluation System shall be established within 12 months of adopting this General Plan.”*

The site is suitable because it proposes to continue an existing agricultural use. No new infrastructure is proposed or required per the proposed subdivision. As proposed, the site would continue to be managed as an agricultural property. Proximity to a city, Community Area, or Rural Center, and proximity to multiple modes of transportation is not applicable because it is the subdivision of agricultural lands for continued agricultural uses. No affordable

housing is proposed because the project does not propose new market-rate housing. Potential environmental impacts have been considered and analyzed, and conditions of approval applied as required.

The County finds this subdivision consistent with this policy based on the following factors: 1) the proposed subdivision is consistent with the underlying zoning which regulates parcel size and allowed use of the property; 2) there are existing agricultural uses and the proposed project does not change the existing agricultural production or uses, and the subdivided parcels would be capable of remaining as viable agricultural units; 3) the approximately 403 acre project area located east of River Road is identified in the County's Geographic Information System as "Prime Farmland" and "Other" land; 4) the approximately 537 acre portion of the project area located west of River Road is utilized as grazing land and under Williamson Act contract (Land Conservation Contract No. 73-13); 5) the project was initiated by court order to divide the property between family members; and 6) it is consistent with the minimum lot size specified in both the General Plan and zoning ordinance, and exceeds the 40 acre minimum lot size.

11. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Board of Supervisors: Section 19.16.020.B of the Monterey County Subdivision Ordinance (Title 19) designates the Board of Supervisors as the Appeal Authority to consider appeals from the discretionary decisions of the Planning Commission, and Section 19.16.025.A allows an appeal to be made to the Appeal Authority by any person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.

DECISION

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

1. Adopt a Negative Declaration;
2. Approve a Minor Subdivision, per MCC 19.03.005.4, of a 940.272 acre parcel into six (6) parcels (Parcel 1, 142.36 acres; Parcel 2, 395.15 acres; Parcel 3, 171.44 acres; Parcel 4, 134.52 acres; Parcel 5, 52.933 acres; and Parcel 6, 43.869 acres), in general conformance with the attached tentative map and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Waive the requirement to file a parcel map, pursuant to MCC 19.04.005.B.

PASSED AND ADOPTED this 14th day of January, 2015, upon motion of Commissioner Brown, seconded by Commissioner Rochester, by the following vote:

AYES: Brown, Vandevere, Getzelman, Rochester, Salazar, Hert, Roberts, Diehl, Mendez
NOES: None
ABSENT: Padilla
ABSTAIN: None



Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON JAN 27 2015

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 FEB 06 2015

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.

NOTE

This permit expires 2 years after the above date of granting thereof unless the Record of Survey is recorded within this period.

Monterey County RMA Planning

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

PLN130552

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Minor Subdivision (PLN130552) allows the division of a 940.272 acre parcel into six (6) parcels (Parcel 1, 142.36 acres; Parcel 2, 395.15 acres; Parcel 3, 171.44 acres; Parcel 4, 134.52 acres; Parcel 5, 52.933 acres; and Parcel 6, 43.869 acres). The property is located at 581 River Road (Assessor's Parcel Numbers 139-083-002-000, 139-083-004-000, 139-084-003-000, and 139-084-008-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Minor Subdivision (Resolution Number 15-002) was approved by the Planning Commission for Assessor's Parcel Numbers 139-083-002-000, 139-083-004-000, 139-084-003-000, and 139-084-008-000 on January 14, 2015. The permit was granted subject to fourteen (14) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to recordation of the Record of Survey. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Record of Survey, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the Record of Survey.

4. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

5. PD037 - WILLIAMSON ACT

Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel, 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.

6. PDSP001 - CERTIFICATES OF COMPLIANCE (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall request certificates of compliance for the newly configured parcels. The lots are not formally created until new grant deeds or judgment of partition are recorded. The following conditions shall be met prior to issuance of the certificates of compliance: 1) The property owner shall enter into a new or amended Land Conservation contract or contracts with the Board of Supervisors of the County of Monterey for the subdivision of Williamson Act lands; 2) The property owner shall record a deed restriction regarding water quality and quantity as directed by the Monterey County Environmental Health Bureau; 3) The property owner shall record a deed restriction regarding an onsite wastewater disposal system as directed by the Monterey County Environmental Health Bureau; 4) The property owner shall record a deed restriction regarding payment of recreation fees as directed by the Monterey County Parks Department; 5) The property owner shall record a deed restriction regarding single-family dwellings and structural development as directed by Monterey County RMA-Planning; 6) The property owner shall submit a conservation and scenic easement for that area of Parcel E and Parcel F that contain riparian forest habitat; and 7) The property owner shall record a Record of Survey as directed by Monterey County RMA-Public Works. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. 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 legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

7. PDSP002 - SINGLE-FAMILY DWELLINGS ACCESSORY TO AGRICULTURAL USE (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall record a deed restriction that states: "All future single-family dwelling(s) proposed for each lot of record shall be located in areas that minimize the removal of agriculturally-productive land to maintain the agricultural viability of each lot of record. The location of each proposed single-family dwelling(s) shall be approved by the Director of Planning prior to issuance of any construction permit. No residences will be permitted on either Parcel E or Parcel F." (RMA-Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit a signed and notarized deed restriction document to the Director of RMA-Planning for review and signature by the County.

Concurrent with filing the record of survey, record the County approved Deed Restriction on each parcel/lot created by the subdivision and provide proof of recordation to RMA-Planning.

8. EHSP01 - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISIONS: WATER (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A Deed Restriction shall be recorded on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision. The provision is as follows:

"The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby notified that the parcels/lots created by this subdivision are not guaranteed to have water of sufficient quality or quantity to meet state standards and local drinking water standards set forth in the Monterey County Code (MCC) Title 15, Chapters 15.04 and 15.08, and MCC Title 19. At the time of the subdivision, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that each parcel/lot has water quality and quantity meeting state and local drinking water standards. The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby further notified that no development will be permitted and no building permit will be issued for development on any parcel/lot in this subdivision until the owner of that parcel/lot proposed for development demonstrates to the satisfaction of the County that the parcel/lot has a water source meeting all state and local drinking water quality and quantity standards, without treatment, as set forth in MCC Title 15, Chapters 15.04 and 15.08, and Title 19. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal." (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a certificate of compliance, the Applicant shall submit a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel, and the approved Deed Restriction shall be recorded.

9. EHSP02 - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISIONS: ONSITE WASTEWATER DISPOS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A Deed Restriction shall be recorded on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision. The provision is as follows:

"The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have a viable site for an onsite wastewater disposal system. No Soils or Percolation Report by a qualified Soils Engineer has been completed which demonstrates that the subject property meets state standards and local standards set forth in the Monterey County Code (MCC), Title 15, Chapter 15.20. At the time of the subdivision creating the subject parcels/lots, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that the subject parcels/lots created by this subdivision have an onsite wastewater site meeting all state standards and local standards set forth in MCC Chapter 15.20. The current property owners of record and all future buyers of the subject property are hereby further notified that no development will be permitted and no building permit will be issued for development on these parcels/lots until the owner(s) of a parcel/lot proposed for development demonstrates to the satisfaction of the County that the subject parcel/lot proposed for development has a suitable onsite wastewater site meeting all state standards and all local standards set forth in MCC Chapter 15.20. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal." (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a certificate of compliance, the Applicant shall submit a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel, and the approved Deed Restriction shall be recorded.

10. PKS002 - RECREATION IN-LIEU FEE (NON-STANDARD)

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction as a condition of project approval stating: "The subdivision is subject to recreation fees based on Section 19.12.010 E. (2.) Recreation Requirements of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication if the property owner requests building permits for the construction of a residential structure or structures on one or more of the parcels created by the subdivision within four (4) years after the approval of the subdivision".

Proof of the recordation of a deed restriction shall be furnished to the Director of Parks and RMA-Planning.

The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D). (Parks Department)

Compliance or Monitoring Action to be Performed: Proof of the recordation of a deed restriction shall be furnished to the Directors of Parks and RMA-Planning.

11. PW0035 - RECORD OF SURVEY

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: File a Record of Survey showing the new line and it's monumentation. (RMA-Public Works)

Compliance or Monitoring Action to be Performed: Owner's Surveyor to prepare record of survey and submit to DPW for review and approval prior to recordation of survey.

12. PD022(A) - EASEMENT-CONSERVATION & SCENIC

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of Parcels E and F that contain riparian forest habitat. The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recording the record of survey. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the record of survey, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to RMA - Planning for review and approval.

Prior to or concurrent with recording the record of survey, the County shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to RMA-Planning.

13. PDSP003 - EASEMENT - ACCESS (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner of Parcel D shall convey an access easement to the Owners of Parcels E and F. The access easement shall be developed in consultation with certified professionals, and a recorded copy submitted to RMA-Planning prior to recordation of the record of survey. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of the record of survey, the Owner/Applicant/Certified Professional shall submit a copy of the recorded access easement to RMA-Planning.

14. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

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

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

"EXHIBIT C-1"

PROPERTY DESCRIPTION

PARCEL E

Conservation and Scenic Easement Area

CERTAIN REAL PROPERTY situate in the Rancho Buena Vista, County of Monterey, State of California, being a portion of Lots 99, 101 and 102, as said lots are shown and so delineated on the map entitled "Map of the Sub-Division of the Rancho Buena Vista, Monterey County, California", filed March 18, 1889 in Map Book One, Maps and Grants (Outside Lands), at Page 63 therein, records of said county, and being also a portion of that certain tract of land described under Parcel I (Exhibit "A") in the Affidavit – Death of Trustee, dated July 27, 2007, and filed in Document No. 2007064383 on August 16, 2007, records of said county, said portion being more particularly described as follows:

FIRST:

AN EASEMENT for conservation and scenic easement purposes, being more particularly described as follows:

BEGINNING at a common corner of the Rancho Buena Vista and the Rancho Guadalupe y Llanito de los Correos, being the most Easterly corner of the hereinbefore mentioned Lot 99 (Rancho Corner B.V.6) and running thence

- 1.) South 81° 51' 51" West, 822.72 feet to a point herein and now designated Point "A" for the reference thereto in further description hereinafter to be made; thence
- 2.) North 07° 18' 58" East, 89.99 feet; thence
- 3.) North 11° 14' 00" East, 166.99 feet; thence
- 4.) North 11° 13' 45" East, 265.34 feet, more or less, to the Northeasterly boundary of said Lot 99; thence running along the last mentioned Northeasterly boundary
- 5.) South 61° 05' 39" East, 821.07 feet to the Point of Beginning.

CONTAINING an area of 4.70 acres of land, more or less.

SECOND:

AN EASEMENT for conservation and scenic easement purposes, being more particularly described as follows:

BEGINNING at a point from which the hereinbefore mentioned Point "A" bears South 80° 50' 01" East, 1841.40 feet distant; thence

- 1.) North 80° 50' 01" West, 296.92 feet; thence
- 2.) North 22° 29' 20" West, 191.95 feet; thence
- 3.) North 09° 13' 39" West, 193.38 feet; thence
- 4.) North 03° 35' 31" East, 247.40 feet; thence
- 5.) North 12° 32' 17" East, 147.22 feet; thence
- 6.) North 17° 06' 16" East, 147.36 feet; thence

- 7.) North 24° 06' 36" East, 162.87 feet; thence
- 8.) North 34° 34' 12" East, 186.55 feet; thence
- 9.) North 04° 35' 25" East, 70.23 feet; thence
- 10.) North 07° 10' 04" West, 0.61 feet, more or less, to a point 25.00 feet distant from (measured at right angles) the Northeasterly boundary of said Lot 99; thence running parallel with and 25.00 feet distant Southwesterly, from (measured at right angles) the last mentioned Northeasterly boundary
- 11.) South 61° 02' 00" East, 191.35 feet; thence leaving the last mentioned parallel line
- 12.) South 17° 09' 33" East, 30.25 feet; thence
- 13.) South 17° 09' 25" East, 224.86 feet; thence
- 14.) South 57° 47' 50" East, 369.01 feet; thence
- 15.) South 89° 32' 56" East, 179.07 feet; thence
- 16.) South 21° 58' 49" East, 314.60 feet; thence
- 17.) South 54° 25' 14" East, 481.55 feet; thence
- 18.) South 13° 37' 52" East, 233.63 feet; thence
- 19.) South 41° 27' 58" West, 186.84 feet; thence
- 20.) North 80° 50' 01" West, 328.57 feet; thence
- 21.) North 23° 52' 13" West, 605.48 feet; thence
- 22.) North 40° 43' 43" West, 308.90 feet; thence
- 23.) South 57° 13' 01" West, 471.63 feet; thence
- 24.) South 15° 44' 49" East, 180.00 feet; thence
- 25.) South 15° 44' 50" East, 267.98 feet to the Point of Beginning.

CONTAINING an area of 20.05 acres of land, more or less.

COURSES ALL TRUE (Bearings used herein are based on the meridian shown on that Certain Record of Survey map filed September 8, 1988 in Volume 15 of Surveys, at Page 172, records of Monterey County, California).

SUBJECT TO however, current taxes, liens & covenants, conditions, restrictions, rights-of-way, easements, servitudes and other defects or instruments now of record, or apparent on the ground.

Dated: August 20, 2018



This real property description has been prepared by me or under my direction, in conformance with the requirements of the Professional Land Surveyors Act)

Philip L. Pearman

Philip L. Pearman, L.S. 4448

License expires 9/30/2019

END OF DESCRIPTION

PARCEL 1 (EXHIBIT A)
 Doc. No. 2007064383
 08-16-2007

LINE TABLE		
LINE	BEARING	LENGTH
L3	N07°10'04"W	31.58'
L4	N04°35'25"E	70.23'
L5	N34°34'12"E	186.55'
L6	N24°06'36"E	162.87'
L7	N17°06'16"E	147.36'
L8	N12°32'17"E	147.22'
L9	N09°13'39"W	193.38'
L10	N22°29'20"W	191.95'
L20	S17°09'33"E	30.25'
L21	S61°02'00"E	191.35'
L22	S89°32'56"E	179.01'
L24	N07°18'58"E	89.99'

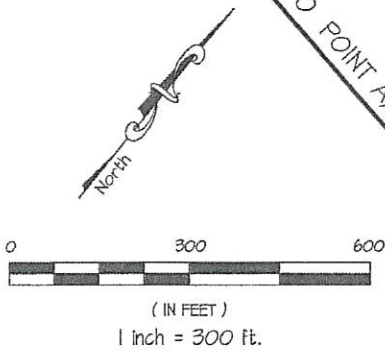
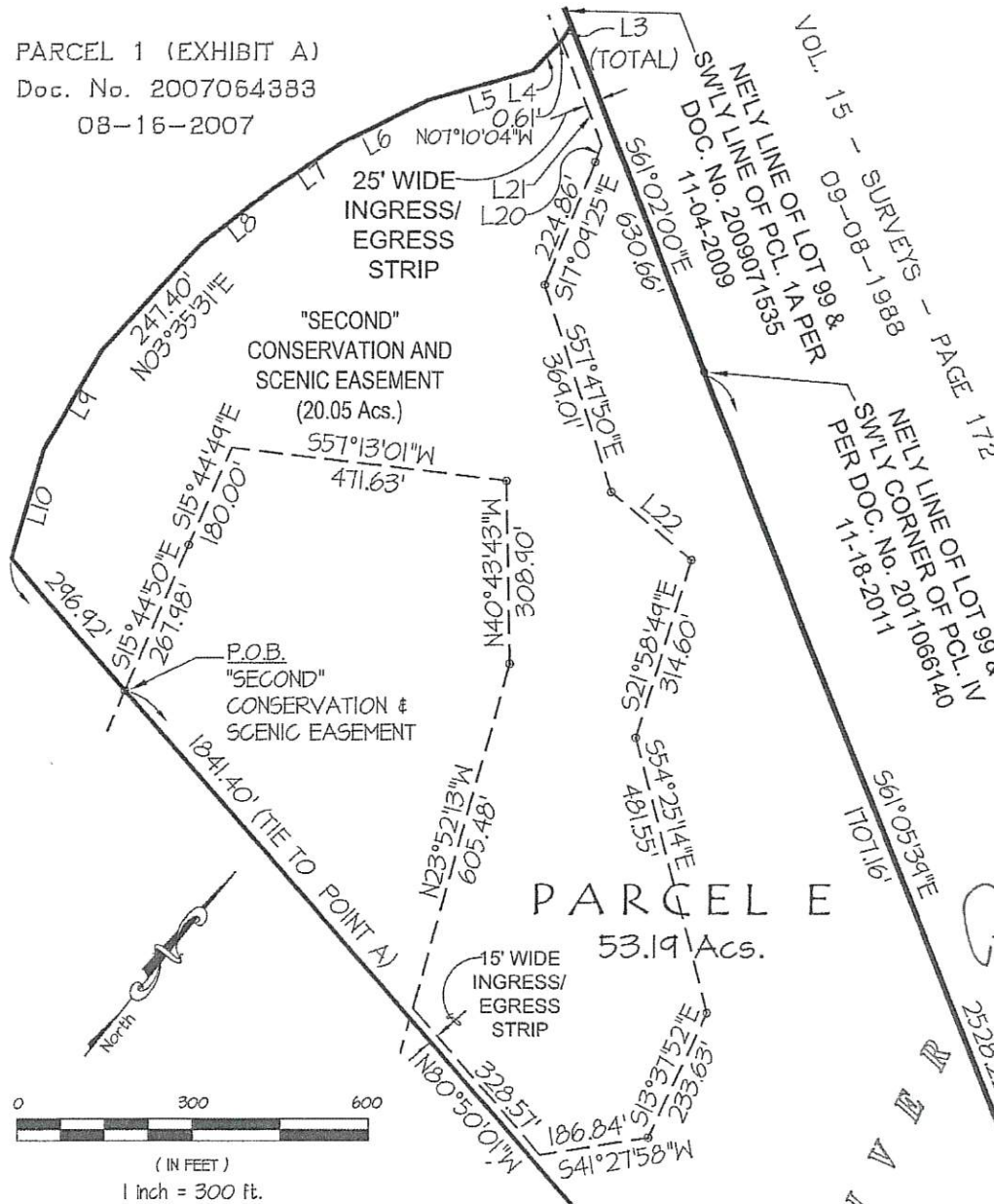
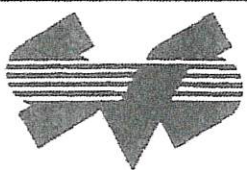


EXHIBIT C-1



SALINAS VALLEY SURVEYORS
 210 Capitol St. Suite 15
 Salinas, CA 93901
 (831) 755-2254

PLAT TO ACCOMPANY LEGAL DESCRIPTION

CONSERVATION AND SCENIC EASEMENT AREAS

MINOR SUBDIVISION (PLN 130552) CONDITION No. 12-PDO22(A)
 MONTEREY COUNTY PLANNING COMMISSION
 RESOLUTION No. 15-002
 JANUARY 14, 2015

SCALE 1"=300'	DRAWN Staff	JOB NO.
DATE 08-06-18	DESIGNED P.L.P.	FILE NO.

PARCEL E
 53.19 Acs.

SALINAS RIVER

POINT "A"

"FIRST" CONSERVATION AND SCENIC EASEMENT (4.70 Acs.)

P.O.B. "FIRST" CONSERVATION & SCENIC EASEMENT

P.O.B. "SECOND" CONSERVATION & SCENIC EASEMENT

P.O.B. MOST EASTERLY CORNER LOT 99 (RANCHO CORNER B.V.6)

RANCHO BUENA VISTA
 RANCHO GUADALUPE Y LLANITOS DE LOS CORREOS

"EXHIBIT C-2"

PROPERTY DESCRIPTION

PARCEL F

Conservation and Scenic Easement Area

CERTAIN REAL PROPERTY situate in the Rancho Buena Vista, County of Monterey, State of California, being a portion of Lots 99, 101, 102 and 103, as said lots are shown and so delineated on the map entitled "Map of the Sub-Division of the Rancho Buena Vista, Monterey County, California", filed March 18, 1889 in Map Book One, Maps and Grants (Outside Lands), at Page 63 therein, records of said county, and being also a portion of that certain tract of land described under Parcel 1 (Exhibit "A") in the Affidavit – Death of Trustee, dated July 27, 2007, and filed in Document No. 2007064383 on August 16, 2007, records of said county, said portion being more particularly described as follows:

FIRST:

AN EASEMENT for conservation and scenic easement purposes, being more particularly described as follows:

BEGINNING at a common corner of the Rancho Buena Vista and the Rancho Guadalupe y Llanito de los Correos, being the most Easterly corner of the hereinbefore mentioned Lot 99 (Rancho Corner B.V.6) and running thence

- 1.) South 81° 51' 51" West, 822.72 feet to a point here and now designated Point "A", for the reference thereto in further description here and after to be made; thence
- 2.) South 07° 19' 04" West, 366.73 feet; thence
- 3.) North 88° 22' 34" West, 646.34 feet; thence
- 4.) South 47° 28' 24" West, 204.90 feet to a point herein and now designated Point "B" for the reference thereto in further description hereinafter to be made; thence
- 5.) South 57° 45' 38" East, 417.31 feet; thence
- 6.) South 84° 15' 27" West, 180.80 feet; thence
- 7.) North 83° 12' 28" West, 655.71 feet; thence
- 8.) North 23° 56' 00" West, 348.52 feet; thence
- 9.) North 48° 37' 58" West, 318.85 feet to a point herein and now designated Point "C" for the reference thereto in further description hereinafter to be made; thence
- 10.) South 50° 28' 19" West, 129.26 feet; thence
- 11.) South 15° 44' 45" East, 223.03 feet; thence
- 12.) South 29° 50' 47" East, 250.68 feet; thence
- 13.) South 41° 15' 34" East, 49.51 feet; thence
- 14.) South 59° 17' 24" East, 151.68 feet; thence
- 15.) South 74° 40' 44" East, 205.30 feet; thence
- 16.) South 78° 16' 38" East, 349.17 feet; thence
- 17.) South 68° 16' 48" East, 251.27 feet; thence

- 18.) South 48° 33' 59" East, 38.08 feet; thence
19.) North 52° 57' 35" East, 1837.14 feet, to the Point of Beginning.
CONTAINING an area of 17.53 acres of land, more or less.

SECOND:

AN EASEMENT for conservation and scenic easement purposes, being more particularly described as follows:

BEGINNING at a point from which the hereinbefore mentioned Point "B" bears North 88° 29' 28" East, 143.85 feet distant; thence

- 1.) North 70° 38' 28" West, 338.64 feet; thence
- 2.) North 31° 45' 37" East, 68.29 feet; thence
- 3.) South 79° 37' 22" East, 338.53 feet; thence
- 4.) South 24° 20' 06" West, 120.00 feet to the Point of Beginning.

CONTAINING an area of 0.71 acres of land, more or less.

THIRD:

AN EASEMENT for conservation and scenic easement purposes, being more particularly described as follows:

BEGINNING at a point from which the hereinbefore mentioned Point "A" bears, South 80° 50' 01" East, 793.90 feet distant; thence

- 1.) South 41° 28' 01" West, 220.77 feet; thence
- 2.) North 85° 18' 48" West, 66.82 feet; thence
- 3.) North 23° 52' 13" West, 228.82 feet; thence
- 4.) South 80° 50' 01" East, 309.33 feet, to the Point of Beginning.

CONTAINING an area of 0.82 acres of land, more or less.

FOURTH:

AN EASEMENT for conservation and scenic easement purposes, being more particularly described as follows:

BEGINNING at a point from which the hereinbefore mentioned Point "C" bears, South 15° 44' 49" East, 27.32 feet distant; thence

- 1.) South 50° 28' 19" West, 142.63 feet; thence
- 2.) North 42° 43' 25" West, 153.36 feet; thence
- 3.) North 33° 37' 29" West, 149.11 feet; thence
- 4.) North 26° 49' 45" West, 303.35 feet; thence
- 5.) North 65° 00' 07" East, 35.00 feet; thence
- 6.) South 80° 50' 01" East, 297.29 feet; thence
- 7.) South 15° 44' 49" East, 399.16 feet, to the Point of Beginning.

CONTAINING an area of 2.69 acres of land, more or less.

COURSES ALL TRUE (Bearings used herein are based on the meridian shown on that Certain Record of Survey map filed September 8, 1988 in Volume 15 of Surveys, at Page 172, records of Monterey County, California).

SUBJECT TO however, current taxes, liens & covenants, conditions, restrictions, rights-of-way, easements, servitudes and other defects or instruments now of record, or apparent on the ground.

Dated: August 20, 2018

This real property description has been prepared by me or under my direction, in conformance with the requirements of the Professional Land Surveyors Act.

Philip L. Pearman

Philip L. Pearman, L.S. 4448

License expires 9/30/2019



END OF DESCRIPTION

LINE TABLE

LINE	BEARING	LENGTH
L19	S65°00'07"W	35.00'
L23	N85°18'48"W	66.82'
L25	N31°45'37"E	68.29'
L26	N24°20'06"E	120.00'
L28	S48°33'59"E	38.08'
L29	S41°15'34"E	49.51'
L30	S33°31'29"E	149.11'
L31	S42°43'25"E	153.36'
L54	S50°28'19"W	129.26'
L55	S50°28'19"W	142.63'

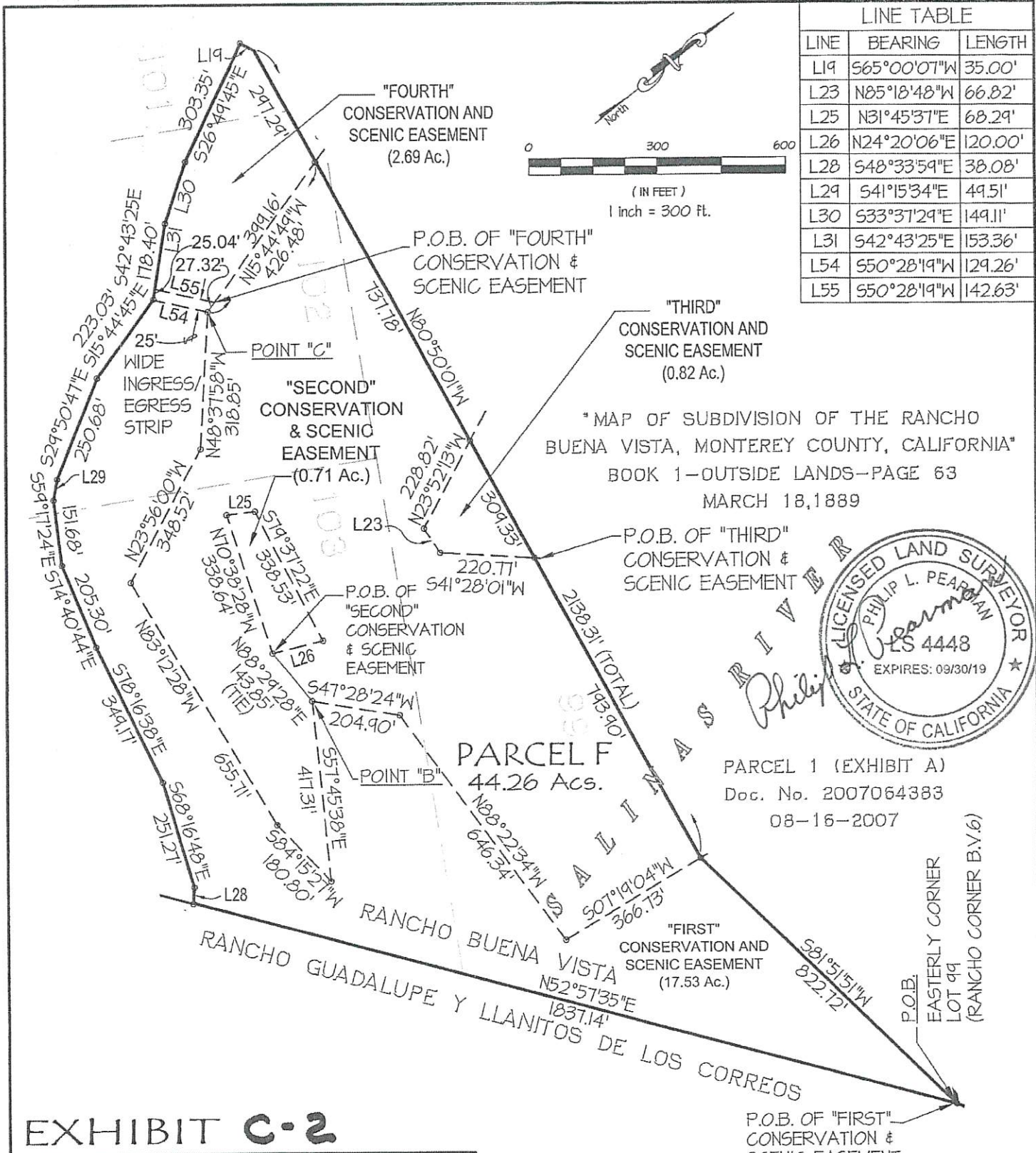
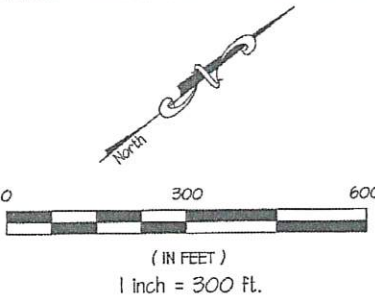
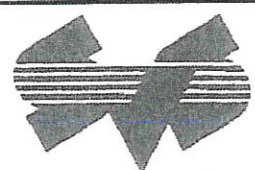


EXHIBIT C-2

PLAT TO ACCOMPANY LEGAL DESCRIPTION
CONSERVATION AND SCENIC EASEMENT AREAS
 MINOR SUBDIVISION (PLN 130552) CONDITION No. 12-PDO22(A)
 MONTEREY COUNTY PLANNING COMMISSION
 RESOLUTION No. 15-002
 JANUARY 14, 2015

SCALE 1"=300'	DRAWN Staff	JOB NO.
DATE 08-06-18	DESIGNED P.L.P.	FILE NO.



SALINAS VALLEY SURVEYORS
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