

Exhibit D

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

- a. Accept and authorize the chair to execute the Offer to Dedicate)
an Irrevocable Open Space and Scenic Easement Deed in)
Exchange for Transferable Development Credits; and)
- b. Direct the Clerk of the Board to submit the Offer to Dedicate)
an Irrevocable Open Space and Scenic Easement Deed in)
Exchange for Transferable Development Credits, Notice of)
Transferable Development Credit(s) and Indemnification)
Agreement to the Monterey County Recorder for recordation.)
(Offer to Dedicate an Irrevocable Open Space and Scenic)
Easement Deed in Exchange for Transferable Development Credits)
- PLN060613/Lipman, 41730 Pfeifer Ridge Road, Big Sur))

Upon motion of Supervisor Parker, seconded by Supervisor Salinas, and carried by those members present, the Board hereby:

- a. Accepted and authorized the chair to execute the Offer to Dedicate an Irrevocable Open Space and Scenic Easement Deed in Exchange for Transferable Development Credits; and
- c. Directed the Clerk of the Board to submit the Offer to Dedicate an Irrevocable Open Space and Scenic Easement Deed in Exchange for Transferable Development Credits, Notice of Transferable Development Credit(s) and Indemnification Agreement to the Monterey County Recorder for recordation.
(Offer to Dedicate an Irrevocable Open Space and Scenic Easement Deed in Exchange for Transferable Development Credits - PLN060613/Lipman, 41730 Pfeifer Ridge Road, Big Sur)

PASSED AND ADOPTED this 21st day of July, 2009, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas, Calcagno, Parker

NOES: None

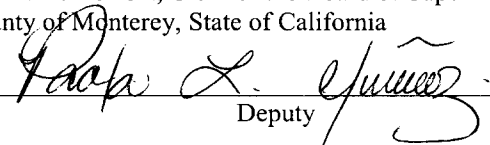
ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on July 21, 2009.

Dated: July 22, 2009

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By


Deputy

WHEN RECORDED MAIL TO:

Clerk to the Board Paola Muñoz

168 West Alisal St., 1st Floor

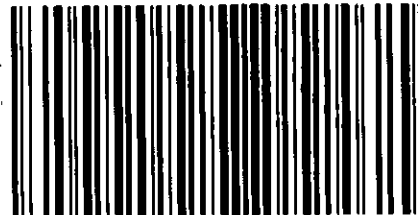
Monterey County Government Center

Salinas, CA 93901

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
County of Monterey

CRDAWN
7/28/2009
8:48:09

DOCUMENT: **2009047903**



Titles: 3/ Pages: 50

Fees....

Taxes...

Other...

AMT PAID

THIS SPACE FOR RECORDER'S USE ONLY

Offer to Dedicate an Irrevocable Open Space and Scenic Easement Deed in Exchange for Transferable Development Credits

Notice of Exchange for Transferable Development Credits

Indemnification Agreement

When recorded return to:
Maria Lopez
MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
168 WEST ALISAL STREET, 2ND FLOOR
SALINAS, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN060613
Applicant Name: Hillary Lipman
Project Planner: Jacqueline R. Onciano

*OFFER TO DEDICATE IRREVOCABLE OPEN SPACE AND SCENIC EASEMENT
DEED IN EXCHANGE FOR TRANSFERABLE DEVELOPMENT CREDITS*

**THIS OFFER TO DEDICATE AN IRREVOCABLE OPEN SPACE AND SCENIC
EASEMENT DEED** made this 13th day of MARCH, 2009, by and between
Hillary Lipman 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 (hereinafter the
"property"), said property being situated adjacent to Highway One along the Big Sur
Coast in Monterey County, California; and

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

WHEREAS, the California Coastal Act of 1976, (hereinafter the "Act") requires
that any Coastal Development Permit approved by the County must be consistent with
the provisions of the certified Local Coastal Program (LCP); and

WHEREAS, the Big Sur Coast Land Use Plan (BSCLUP), certified by the
Coastal Commission on April 10, 1986 as the primary component of certified LCP,

contains provisions to preserve the scenic resources of the Big Sur Coast in perpetuity, including but not limited to the therein stated policy of protecting all future public viewing areas, and including further a system for the **Transfer of Development Credits (TDC)** that will assist the owners of lots restricted in their development potential by viewshed policies contained within the BSCLUP;

WHEREAS, the Board of Supervisors of Monterey County (hereinafter the "County"), acting on behalf of the People of the State of California and pursuant to the Act, adopted the Monterey County Coastal Implementation Plan on January 5, 1988, in order to provide specific regulations for the implementation of the LCP, including but not limited to Chapter 20.156, Transfer of Development Credits (hereinafter the "TDC Ordinance") incorporated hereto by reference and made a part hereof, said TDC Ordinance including the requirement that:

Designation of a parcel as a donor site shall require an offer to dedicate to the County of Monterey a permanent Irrevocable Openspace and Scenic Easement on the property, the text of which has been approved by the County. Upon transfer of the two (2) TDC's, the County shall accept the easement offer.

WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County to allow a Coastal Development Permit to designate the property as a "Donor Site" as defined in the TDC Ordinance, to create two transferable development credits and to retire the donor site from development; and

WHEREAS, upon the required review of Application No. PLN060613 by County Staff, the County found the property to be both a "Buildable Parcel" and a "Viewshed Lot" as defined in the TDC Ordinance, and to meet all applicable requirements for designation as a donor site and for the creation of two transferable development credits; and

WHEREAS, Coastal Development Permit No. PLN060613 (hereinafter the "permit") was granted on July 11, 2007, by the Monterey County Planning Commission in accordance with the provisions of the Findings contained in Planning Commission Resolution No. 07031, attached hereto as Exhibit "B" and hereby incorporated by reference; and

WHEREAS, the Permit was subject to certain conditions as described in the Resolution, including but not limited to Condition No. 3 (hereinafter the "Condition") as follows:

That the applicant record a scenic easement, dedicated to the County of Monterey, over Assessor's Parcel Number 419-311-012-000. The form and content of the easement must be approved pursuant to Section 20.142.130 and utilize Appendix 10 of the Monterey County Coastal Implementation Plan. The easement must be recorded prior to the validation of the two (2) Transfer Development Credits (TDC). Designation of a parcel as a donor site shall require an offer to dedicate to the County of Monterey, the text of which has been approved by the County. Upon transfer of the two (2) TDCs, the County shall accept the easement offer."

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, in granting the Permit to the Grantor, imposed the Condition requiring inter alia, that the Grantor record an open space and scenic easement over the property shown in Exhibit "A", and agree to restrict development on and use of the property so as to preserve the open space and scenic resource values present on the property and so as to prevent the adverse direct and cumulative effects on the scenic resources of the Big Sur Coast which could occur if the property were not restricted in accordance with this easement; and

WHEREAS, the County has placed the Condition on the Permit because a finding must be made under the law that the proposed development is in conformity with the provisions of the certified LCP and that in the absence of the protections provided by the condition said finding could not be made; and

WHEREAS, the Grantor and the County 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, Grantor has elected to comply with the Condition and make this offer to dedicate scenic easement (hereinafter the "Offer") to the County, so as to enable Grantor to receive two (2) transferable development credits as 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

NOW, THEREFORE, in consideration of the granting of Permit No. PLN060613 to the Grantor by Monterey County, and the granting by the County to the Grantor of two (2) Transferable Development Credits in accordance with the TDC Ordinance, the Grantor does hereby offer to dedicate to the People of the County of Monterey a scenic easement in perpetuity over the entirety of said real property of Grantor as described in **Exhibit "A"**, of the nature and character and to the extent hereinafter expressed, which scenic easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to the 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 said property the various acts hereinafter mentioned.

A. **LAND SUBJECT TO EASEMENT.** The land 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 **Exhibit "A"**, attached hereto, and made a part hereof.

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

1. That no structures will be placed or erected upon said described property.
2. That no advertising of any kind or nature shall be located on or within said property.
3. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except such native species as may be recommended by a consulting biologist whose name appears on the most current list of County-approved biologists. Furthermore, by the provisions of this instrument there is no express or implied obligation for the Grantor to cause to be planted any vegetation on the property, nor to control in anyway such vegetation that may now or in the future be present on the property.

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, existing access road and utility poles, 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 said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor:

1. The right to maintain all existing private roads, bridges, trails and structures upon said land.

2. Fire protection measures which are required or recommended to be performed by the local fire protection authority including, but not limited to, construction and maintaining fire breaks and fuel management.

3. Removal of any sick, diseased or dead vegetation which poses a threat to live or property.

4. The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

D. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of Grantee regulating the use of land.

E. BENEFIT AND BURDEN. This grant of irrevocable open space 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 and for purely scientific research purposes 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 offer 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 land by virtue of the fact that the right of the Grantee to enter the land 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 land

for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

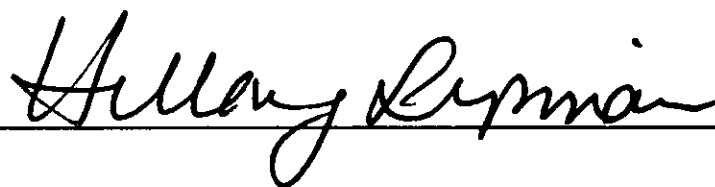
J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this irrevocable openspace scenic easement shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. ACCEPTANCE. As per Title 20, Section 20.64.190 (Transfer of Development Credits), acceptance of this Offer shall take place upon the written decision of the Planning Commission to designate a "Receiver Site" and transfer "the first" development credit. In the event that only one of the two TDCs granted by Permit No. PLN060613 is thereby transferred, the right to transfer the remaining TDC to an approved receiver site shall exist in perpetuity. Upon acceptance of this Offer, the terms of this Open Space and Scenic Easement shall become irrevocable and run in perpetuity over the entirety of the property. This Offer is understood to have been in consideration of the Grantor receiving two (2) Transferable Development Credits. The terms of the open space and scenic easement shall be binding restrictions on the property until this Offer is revoked.

L. CONSTRUCTION OF VALIDITY. 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 13th day of MARCH, 2009, at MONTEREY, California.

Signed:



Hillary Lipman

Signed:

Type or print name of above – **GRANTOR**

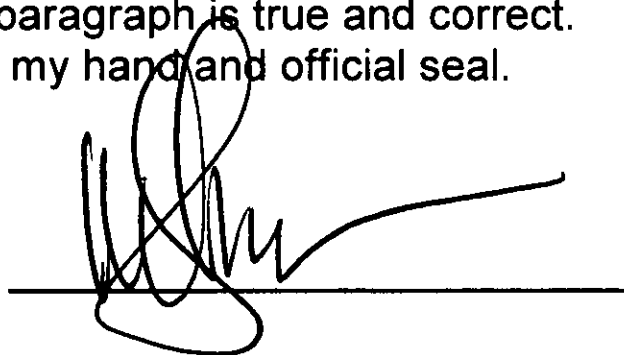
NOTE:

Owner's signature must be acknowledged before a notary public.

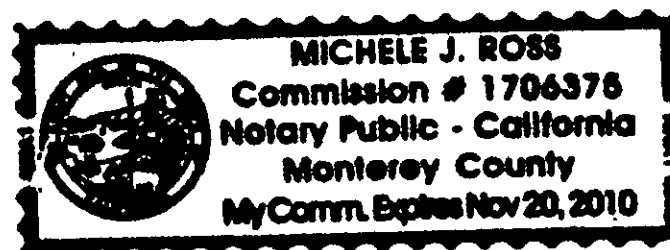
STATE OF CALIFORNIA)
) SS.
COUNTY OF MONTEREY)

On MARCH 13, 2009, before me, MICHELE J. ROSS, Notary Public, personally appeared HILARY LIPMAN, 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)



NOTE: BELOW IS FOR COUNTY PURPOSES ONLY.

This is to certify that the Offer to Dedicate an Irrevocable Open Space and Scenic Easement Deed in exchange for Transferable Development Credits set forth above is hereby acknowledged by the Board Chair on behalf of the Monterey County Board of Supervisors pursuant to the action of the Planning Commission when it granted Coastal Development Permit No. PLN060613 on July 11, 2007 and the Monterey County Board of Supervisors consents to recordation thereof by its duly authorized officer.

Dated: June 12, 2009

Mike Novo
Mike Novo, Director
Resource Management Agency
Planning Department

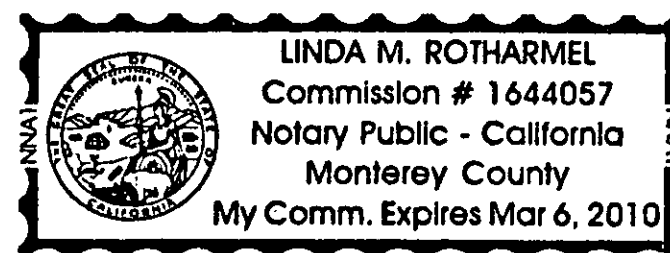
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On June 12, 2009, before me, Linda M. Rotharmel, Notary, personally appeared Mike Novo, 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 Linda M. Rotharmel



(Seal)

APPROVED AS TO FORM:
CHARLES J. MCKEE, County Counsel

By Mary Grace Perry 6-1-09
Deputy County Counsel
Mary Grace Perry

STATE OF CALIFORNIA)

COUNTY OF MONTEREY)

On July 23, 2009 before me, Denise Hancock Notary, personally appeared,
Louis R. Calcagno

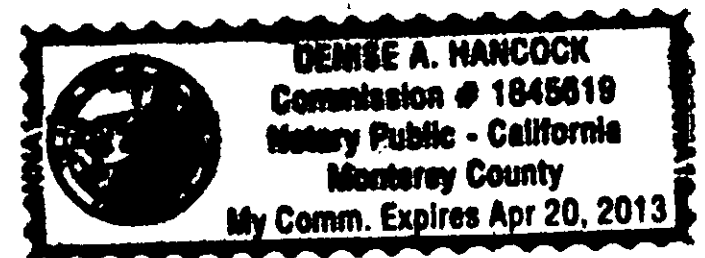
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she /they executed that same in his/her /their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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 Denise Hancock

(Seal)



This is to certify that the Offer to Dedicate an irrevocable Open Space and Scenic Easement Deed in exchange for Transferable Development Credits set forth above is hereby acknowledged by the Board Chair on behalf of the Monterey County Board of Supervisors pursuant to the action of the Monterey County Planning Commission When it granted Coastal Development Permit No. PHD0613 on July 11, 2007 and the Monterey County Board of Supervisors consent to recordation thereof by its duly authorized officer.

DATED: 7-23-09

Louis R. Calcagno, Louis R. Calcagno
Chair, Monterey County Board of Supervisors

ATTEST:

DATED: 7-23-09

Paula L. Muñoz, Deputy
Clerk of Said Board
PAULA L. MUÑOZ

JRO TDC/Prop 70 02-25-2009

TYPE: NOTICE OF TRANSFERABLE DEVELOPMENT CREDIT(S)

Recording Requested by and
When Recorded, Mail to: *maria Lopez*
Monterey County Resource Management Agency
Planning Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Space above for Recorder's Use

NOTICE OF TRANSFERABLE DEVELOPMENT CREDIT(S)

(PLEASE TYPE)

1. DONOR SITE OWNER NAME: HILLARY LIPMAN
2. APPLICANT(S) NAME: HILLARY LIPMAN
3. DONOR PROJECT NAME: LIPMAN
4. DONOR SITE FILE NO.: PLN060613
5. DONOR SITE RESOLUTION NO.: 07031
6. DONOR SITE APN(S): 419-311-012-000
7. DONOR SITE LEGAL DESCRIPTION: SEE EXHIBIT "A" (ATTACHED AND INCORPORATED BY REFERENCE):
8. PROJECT PLANNER: JACQUELINE R. ONCIANO

DONOR SITE

A Coastal Development Permit PLN060613 generating Two (2) (number of Transfer Development Credits) Transfer Development Credits for the donor site, Exhibit "A" – Legal Description, attached and incorporated by this reference (hereafter, "donor site") application LIPMAN was approved by the Monterey County Planning Commission for APN(s) 419-311-012-000 on July 11, 2007, pursuant to the Findings contained in Resolution Number 07031.

Therefore, TWO (2) TDC(s) are transferable from the LIPMAN donor site, upon such time as a receiver site(s) has/have been identified and the irrevocable offer to dedicate an open space & scenic easement over the donor site, in a form acceptable to the County, has been recorded.

RECORDATION REQUIREMENT

Recordation. Upon execution of this Agreement, Owner(s) shall cause recordation thereof with the County Recorder's Office.

The parties hereto have executed this agreement on the day and year set out opposite their respective signatures.

Dated: 3/13/09

Signed:


Donor Site Owner Name

HILLARY LIPMAN
(Print or Type Name of Owner[s])

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL

☐ CORPORATE OFFICER(S)

TITLE

☐ PARTNER(S) ☐ LIMITED

☐ GENERAL

☐ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ GUARDIAN/CONSERVATOR

☐ OTHER: _____

SIGNER IS REPRESENTING

☐

TITLE OR TYPE OF DOCUMENT _____

NUMBER OF PAGES _____

DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE

State of California)
)
County of Monterey) ss.

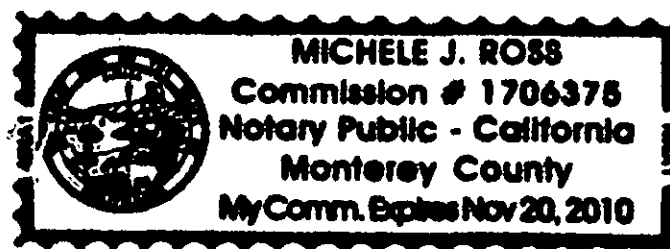
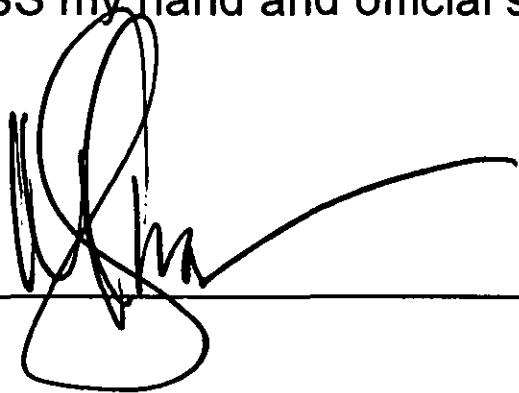
On MARCH 13, 2009 before me, MICHELE J ROSS, a notary public, personally appeared HARRY LIPMAN, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

(Seal)

Signature



APPROVED AS TO FORM:

Charles McKee, County Counsel

By:


Deputy County Counsel

Mary Grace Perry

6-1-09

"ANY EXHIBIT(S) MUST BE NO LARGER OR SMALLER THAN 8 ½ " X 11"."

State of California)
)
County of Monterey) ss.

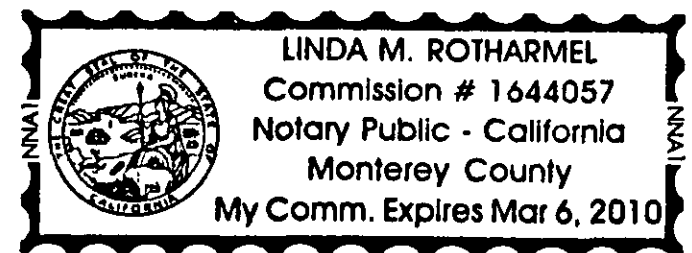
On June 5, 2009 before me, Linda M. Rotharmel, a notary public, personally appeared Mike Novo, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

(Seal)

Signature Linda M. Rotharmel



COUNTY OF MONTEREY

Dated: 6/5/09

By: Mike Novo
Director of RMA - Planning Department
Mike Novo

EXHIBIT A

LEGAL DESCRIPTION:

Certain real property situate in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 19 South, Range 2 East, M.D.B. & M., County of Monterey, State of California, being a portion of that certain property described in Grant Deed from Kenneth R. and Denoya Hyatt to Steve and Jackie Pappas, recorded June 19, 1979 in Reel 1339 of Official Records at Page 175 in the Office of the County Recorder of said county and state, said property being more particularly described as follows:

BEGINNING AT a point on the northerly line of said Section 31, distant South $88^{\circ}56'$ East, 409.17 feet from the northwest corner of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31; thence along the northerly line of said Section 31

1. South $88^{\circ}56'$ East, 370.89 feet to a point from which the quarter section corner on said line bears South $88^{\circ}56'$ East, 532.44 feet distant; thence leaving said section line and parallel to the quarter section line running through said Section 31
2. South $0^{\circ}07'$ East, 656.14 feet to a point distant South $01^{\circ}04'$ West, 656 feet from the northerly line of said Section 31; thence westerly and parallel to the northerly line of said Section 31
3. North $88^{\circ}56'$ West, 261.29 feet; thence
4. North $09^{\circ}34'$ West, 667.46 feet, more or less, to the Point of Beginning.

END OF DESCRIPTION

APN 419-311-012-000

FILED
COUNTY CLERK
MONTEREY COUNTY
JUN 19 1979

EXHIBIT "A"

LEGAL DESCRIPTION:

Certain real property situate in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 19 South, Range 2 East, M.D.B. & M., County of Monterey, State of California, being a portion of that certain property described in Grant Deed from Kenneth R. and Denoya Hyatt to Steve and Jackie Pappas, recorded June 19, 1979 in Reel 1339 of Official Records at Page 175 in the Office of the County Recorder of said county and state, said property being more particularly described as follows:

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4. North $09^{\circ}34'$ West, 667.46 feet, more or less, to the Point of Beginning.

END OF DESCRIPTION

APN 419-311-012-000

EXHIBIT B

PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 07031

A.P. # 419-311-012-000

FINDINGS AND DECISION

In the matter of the application of
Hillary Lipman (PLN060613)

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.70 (Coastal Development Permits) of the Monterey County Code, to allow the designation of a "Donor Site" in exchange for Transferable Development Credits pursuant to section 20.64.190 of the Monterey County Zoning Ordinance (Title 20). The property is located at 41730 Pfeifer Ridge Road, Big Sur, Big Sur Land Use Plan, Coastal Zone, and came on regularly for hearing before the Planning Commission on July 11, 2007.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

FINDING: CONSISTENCY - The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Big Sur Coast Land Use, Coastal Implementation Plan, Part 3, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) Plan Conformance - The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) Zoning Consistency - The property is located at 41730 Pfeifer Ridge Road (Assessor's Parcel Number 419-311-012-000), Big Sur Coast Land Use Plan. The parcel is zoned Rural Density Residential, 40 acre per unit with a Design Control Overlay, in the Coastal Zone ("RDR/40-D [CZ]"). The parcel, located in the critical viewshed, consists of the designation of a "Donor Site" in exchange for Transferable Development Credits pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the "Donor Site" designation.

(c) Site Visit - The project planner conducted site inspections in April and July 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) Transfer of Development Credit (TDC) - The project planner conducted site visits on November 21, 2006 and July 2, 2007 and determined that Assessor's Parcel Number 419-311-012-000 qualifies as a donor site because it is a buildable lot that is visible from Highway One and is within the critical viewshed pursuant to Section 20.145.020.V of the Coastal Implementation Plan. The parcel is a viewshed lot in that it is a buildable parcel upon which a residential building site can be located and accessed in conformity with the Big Sur Coast Land Use Plan policies except for the Local Coastal Program (LCP) viewshed policies.

- (e) Land Use Advisory Committee (LUAC) - The project was not referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because it does not involve ridgeline/viewshed development. Condition No. 3 requires placing the property in an irrevocable open space easement; thus, preventing any future development of the property (Section 20.64.190.040.5 of the CIP).
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060613.
- (g) The written decision of the Planning Commission shall serve as the TDC defined in Section 20.64.190.030 of the CIP. This right shall exist in perpetuity and shall be extinguished upon transfer to a receiver site.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, California Department of Forestry, California Department of Transportation, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by outside archaeological, biological and geotechnical/geoseismic consultants indicate that there are not physical or environmental constraints that would indicate that the site is not suitable to be designated as a "donor site" pursuant to Section 20.64.190.030 of the Monterey County Zoning Ordinance (Title 20). County staff concurs. The following reports have been prepared:

- ✦ *"Preliminary Archaeological Reconnaissance" (LIB070292) prepared by Gary S. Breschini, April 19, 1979.*
- ✦ *"Biological Assessment Letter" (LIB070293) prepared by Jeff Norman, Consulting Biologist, Big Sur, CA, August 26, 2000.*
- ✦ *"Preliminary Geotechnical/Geoseismic Report" (LIB070294) prepared by Grice Engineering, Inc, Salinas, CA, April 2005*
- ✦ *"Percolation Study and Septic System Design" (LIB070295) prepared by Grice Engineering, Inc, Salinas, CA, April 2005*

- (c) Assessor's Parcel Number 419-311-012-000, located in the critical viewshed, is appropriate for designation as a "Donor Site", pursuant to Section 20.156.040 of the Coastal Implementation Plan. The parcel has been determined to be buildable. The subject site can be accessed and at least one single family residence can be constructed in conformity with all of Monterey County's Health and Safety Codes and all County Land Use Plan policies except the critical viewshed policy. A preliminary geotechnical/geoseismic report (LIB070294) prepared by Grice Engineering, Inc. (April 2005) indicates that there is adequate area on the lot to locate a suitable building site. Adequacy of water and septic systems have been verified by the Division of Environmental Health. Additionally, the preliminary archaeological reconnaissance (April 1979) prepared by Gary S. Breschini (September 1995) concludes that there are no known archaeological resources on the subject parcel. Finally, the biological assessment recommends revegetation and the placement of a habitat conservation easement, consistent with the requirements of the CIP, if development were to occur.

(d) Staff conducted site inspections on November 21, 2006 and July 3, 2007 to verify that the site is buildable and is located within the Critical Viewshed.

(e) Materials in Project File PLN060613.

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

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15325(a) categorically exempts acquisition or transfer of ownership of interest in land in order to preserve open space. The project involves a TDC that requires the property to be dedicated as a permanent irrevocable open space easement.

(b) No adverse environmental effects were identified during staff review of the development application during sites on November 21, 2005 and July 3, 2007.

(c) See preceding and following findings and supporting evidence.

4. **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. Zoning violation abatement costs, if any, have been paid.

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

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

6. **FINDING: APPEALABILITY** - The decision on this Coastal Development Permit is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Section 20.140.080 G and J of the Monterey County Zoning Ordinance (Title 20).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 11th day of July, 2007, by the following vote:

AYES: Errea, Brown, Isakson, Padilla, Ottone, Diehl, Sanchez, Salazar, Vandevere

NOES: None

ABSENT: Rochester



MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 24 2007

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

AUG - 3 2007

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

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

Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Lipman

File No: PLN060613

APNs: 419-311-012-000

Approved by: Planning Commission

Date: July 11, 2007

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit and Number	Mitigation Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed where applicable or certified professional required for action to be accepted	Responsible Party for Compliance	Monitoring Timing	Verification of Compliance (Number and Date)
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Coastal Development Permit (PLN060613) consists of the designation of a "Donor Site" in exchange for two (2) Transferable Development Credits, pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance (Title 20). The property is located at 41730 Pfeiffer Ridge Road (Assessor's Parcel Number 419-311-012-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and</p>	Adhere to conditions and uses specified in the permit.	Owner/Applicant	Ongoing unless otherwise stated	

Larry Lipman (PLN060613)

	mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.	<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution No. 07031) was approved by the Planning Commission for Assessor's Parcel Number 419-311-012-000 on July 11, 2007. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.	<p>NON STANDARD IRREVOCABLE OPEN SPACE EASEMENT</p> <p>That the applicant record a scenic easement, dedicated to the County of Monterey, over APN 419-311-012-000. The form and content of the easement must be approved pursuant to Section 20.142.130 and utilize Appendix 10 of the Monterey County Coastal Implementation Plan. The easement must be recorded prior to the validation of the two (2) Transfer Development Credits (TDC). Designation of a parcel as a donor site shall require an offer to dedicate to the County of Monterey, the text of which has been approved by the County. Upon transfer of the two (2) TDCs, the County shall accept the easement offer. (RMA - Planning Department)</p>		Owner/ Applicant	Prior to validation of the two (2) Transfer Development Credits	
4.	<p>Development credits shall not be issued to a receiver site unless and until the above requirements have been met and the receiver site has received approval of a Coastal Development Permit. (RMA - Planning Department).</p>		Applicant/ Owner & RMA-PD	On-going	

5.	<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Subn gned and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or prior to recordation of the Notice of Transferable Development Credit(s)
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D OF CONDITIONS

VICINITY MAPS PARCEL MAPS PROJECT DESCRIPTION		DATE: 4/18/07 SHEET: 1 OF 4 PROJECT: NO NOTED APN: 419-311-012
COUNTY FILE NO. PLN 060613 APPLICATION TO CREATE A DONOR SITE FOR THE TRANSFER OF DEVELOPMENT CREDITS BIG SUR		

PROJECT DESCRIPTION - PLN 060613

Coastal Development Permit to designate a Donor Site in exchange for Transferable Development Credits, pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance. Subsequently, development rights will be extinguished on the subject donor parcel.

RESIDENTIAL BUILDING SITE

The purpose of the attached plans is to demonstrate that a residence can be developed on the subject parcel, but that it is in the critical viewshed of Highway 1.

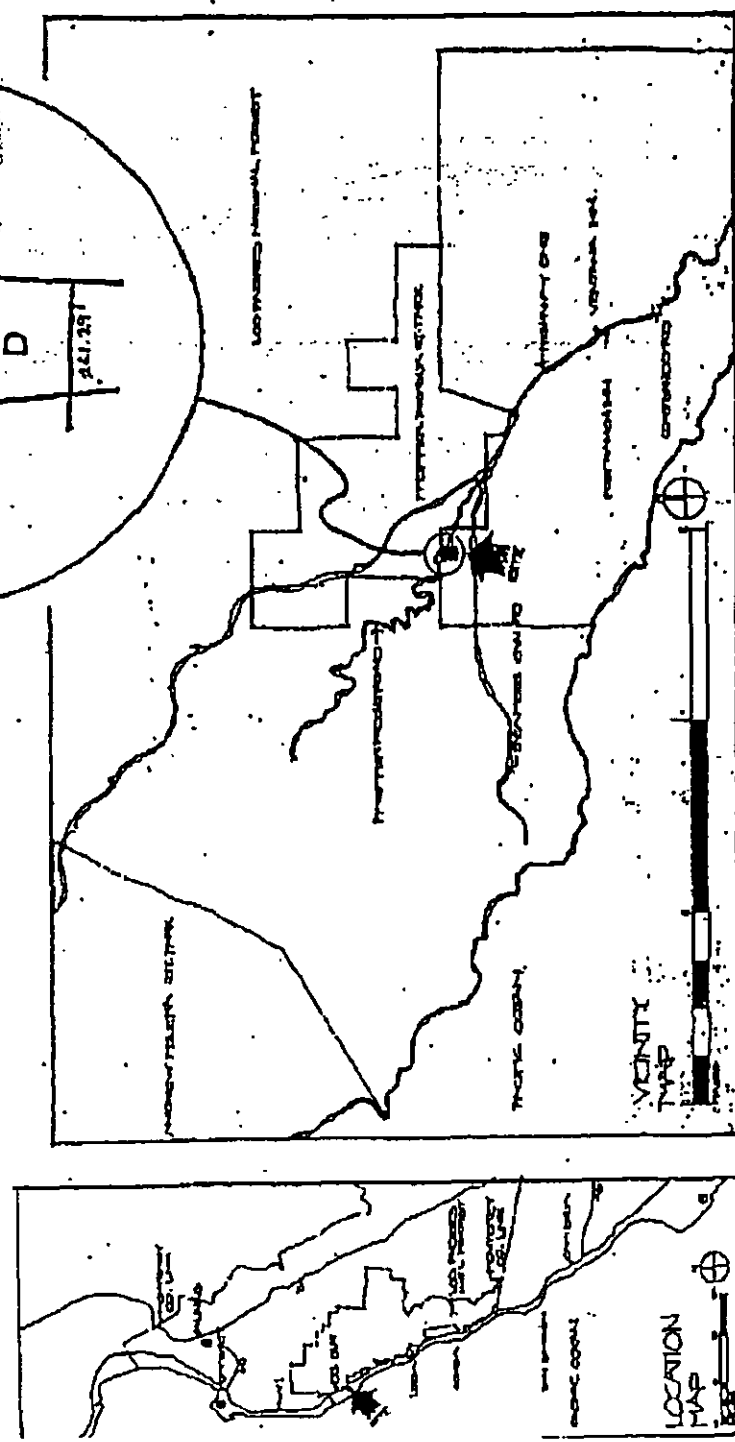
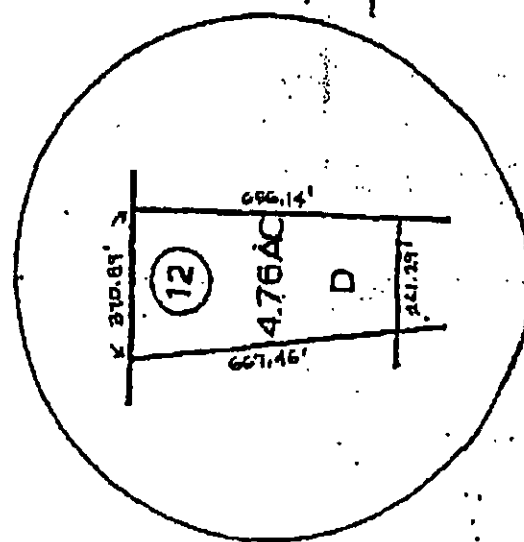
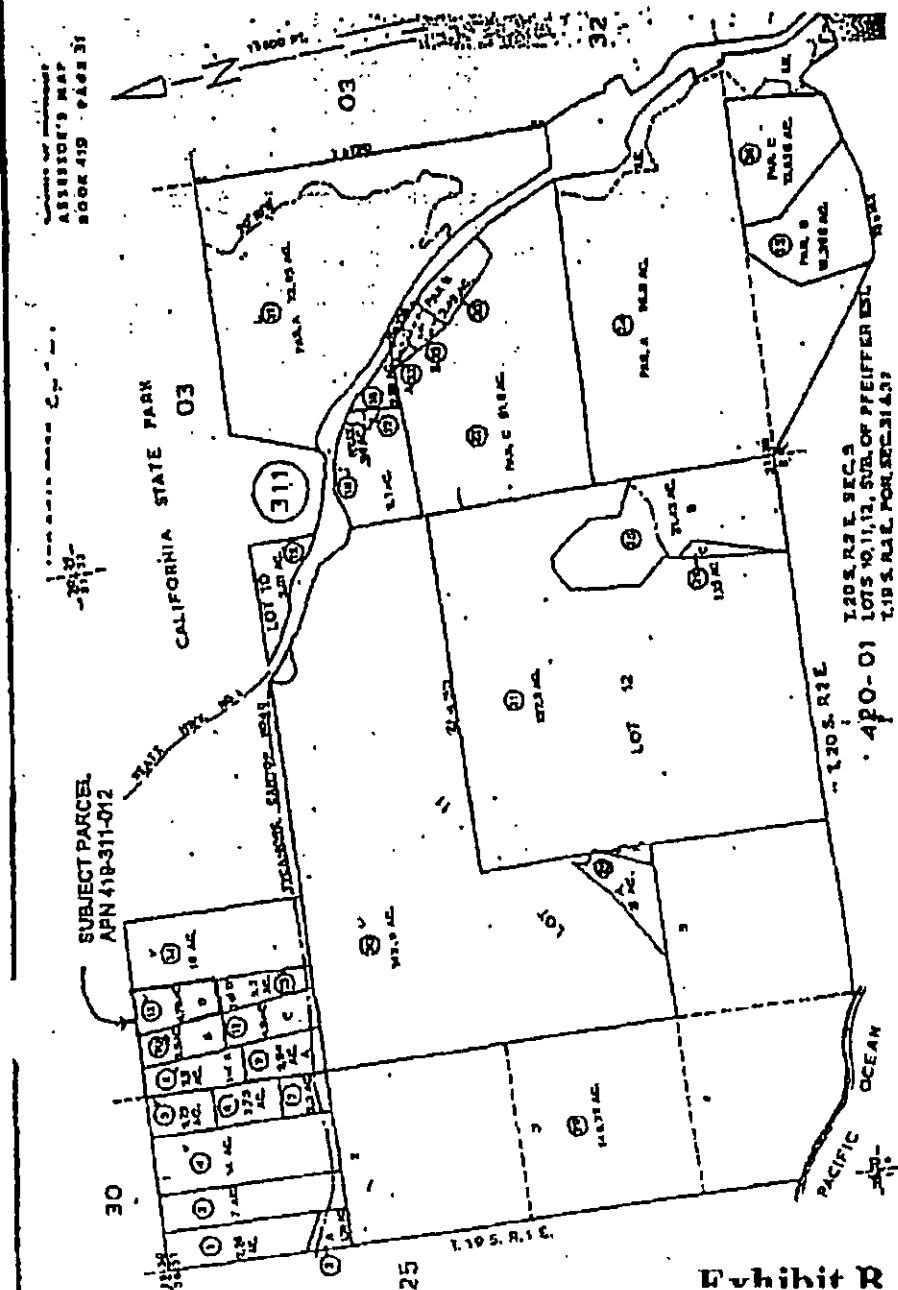
In addition to the architectural plans, the applicant has previously submitted consultant reports to the Planning Department that demonstrate the buildability of the subject parcel:

1. Geotechnical soils-foundation & Geosismic Report with Geo-hazards evaluation by Grice Engineering & Geology, April 2005
2. Report of Percolation study and Septic system design by Grice Engineering & Geology, April 2005
3. Biological evaluation by Jeff Norman, August 2000
4. Archaeological report by Gary Breschini, April 1979

PROJECT DATA

Project location: Pfeiffer Ridge Road, 0.5 mi. west of Hwy. 1
APN: 419-311-012-000
Lot size: 4.76 acres
Lot coverage: none existing, none proposed
Grading: none
Tree removal: none
Zoning district: RDR/40 (CZ)
Owner: Lipman, Hillary
P.O. Box 22588
Carmel, CA, 93922

SHEET INDEX	
Project Description, Data, and Maps	1
Site Plan - Building Site	2
Floor Plans	3
Elevations	4



NOTES:

THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONTIGUOUS EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

HERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

GROUND COVERED BY DENSE VEGETATION AND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

PARENTHESES DENOTE RECORD DATA.

THE CROSS SYMBOL (+) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION SHOWN.

SURVEY PREPARED BY: RASMUSSEN LAND SURVEYING, INC.
PO BOX 3135, MONTEREY, CA 93942
TEL: 831-375-7240

Exhibit B

Page 9 of 12 Pages

APN 419-021-002

HEAVY BRUSH (CONTOURS APPROXIMATE)

EXISTING ASPHALT PAVEMENT

FEIFFER RIDGE ROAD

FAULT

AND 4x4 POST IN FENCE

OVERHEAD POWER LINES

APPROXIMATE BOUNDARY

CENTERLINE OF PATH

CENTERLINE OF PATH

APN 419-311-012
(REEL 1399, PG. 175)

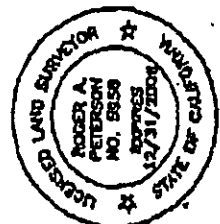
BOUNDARY

SITE PLAN

GRAPHIC SCALE

(1" = 100')

1 inch = 100 feet



DATE	BY

NEED CALLAHAN
LAND SURVEYING
1000 CALIFORNIA ST., SUITE 100
SAN FRANCISCO, CA 94109
TEL: 415.398.1100
FAX: 415.398.1101
WWW.CALLAHAN-SURVEYING.COM

LENN'S RESIDENCE
CONOR RIDGE
FEIFFER RIDGE RD
BIG SUR, CA 93920

LENN'S RESIDENCE
CONOR RIDGE
FEIFFER RIDGE RD
BIG SUR, CA 93920

DATE: 7/24/04
SCALE: 1"=100'
DRAWN BY: J. B. BAKER
CHECKED BY: J. B. BAKER
PROJECT: CONOR RIDGE

2 OF 4

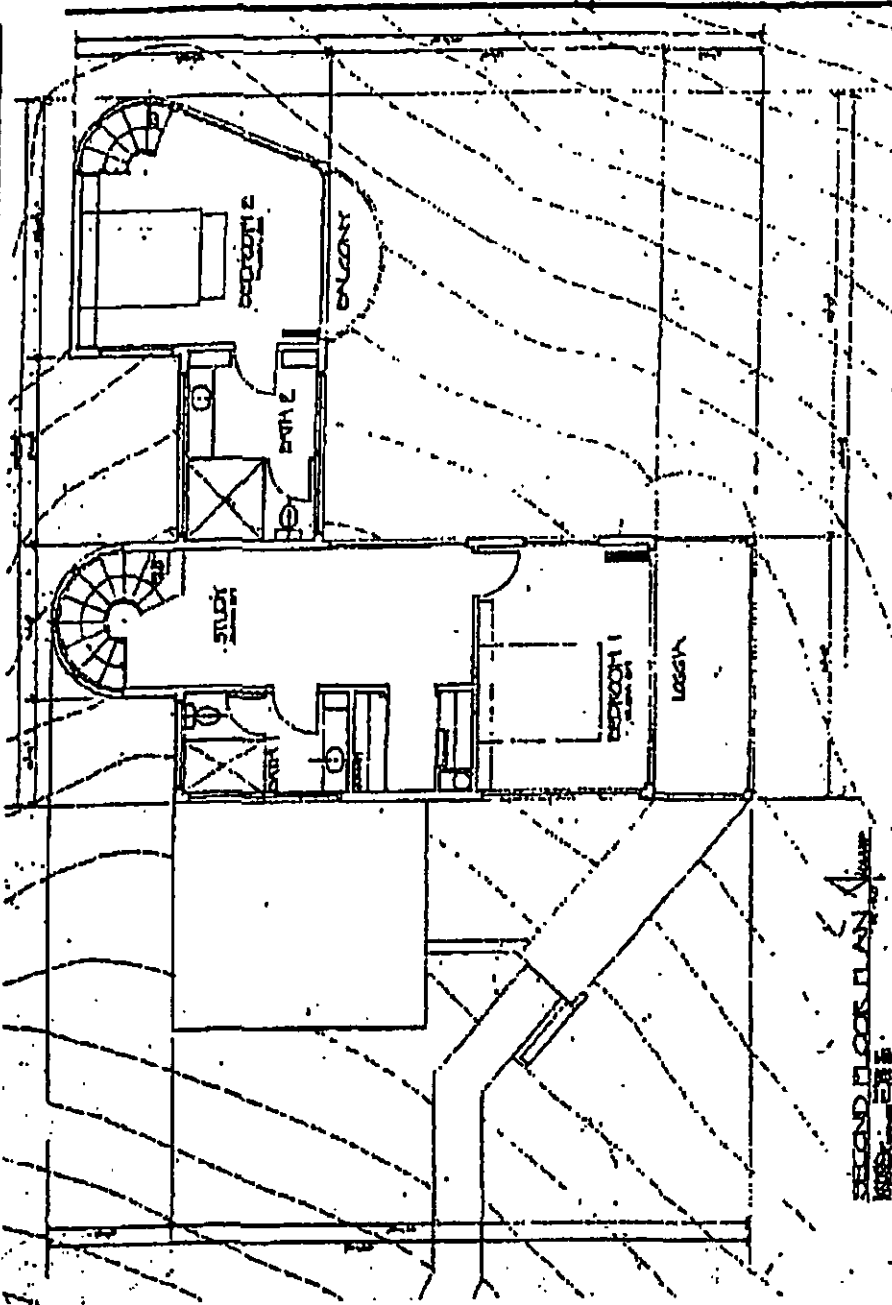
GRICE ENGINEERING, INC.
631-A BRUNKER AVENUE
SALINAS, CALIFORNIA
APRIL 2005

File No. 3883-01.06
April 15, 2005
Page 21

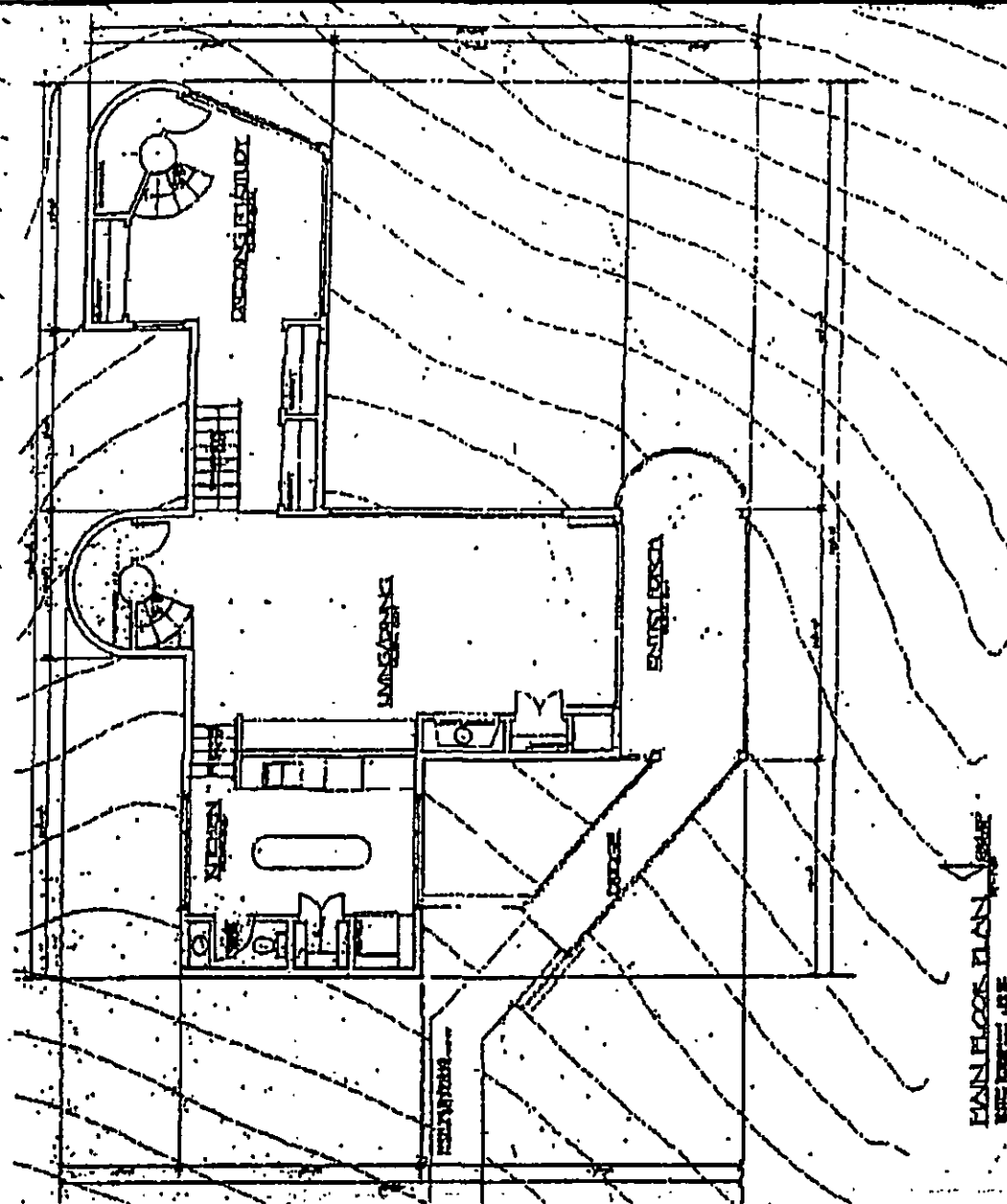
EROSION CONTROL PLANNING

General Description

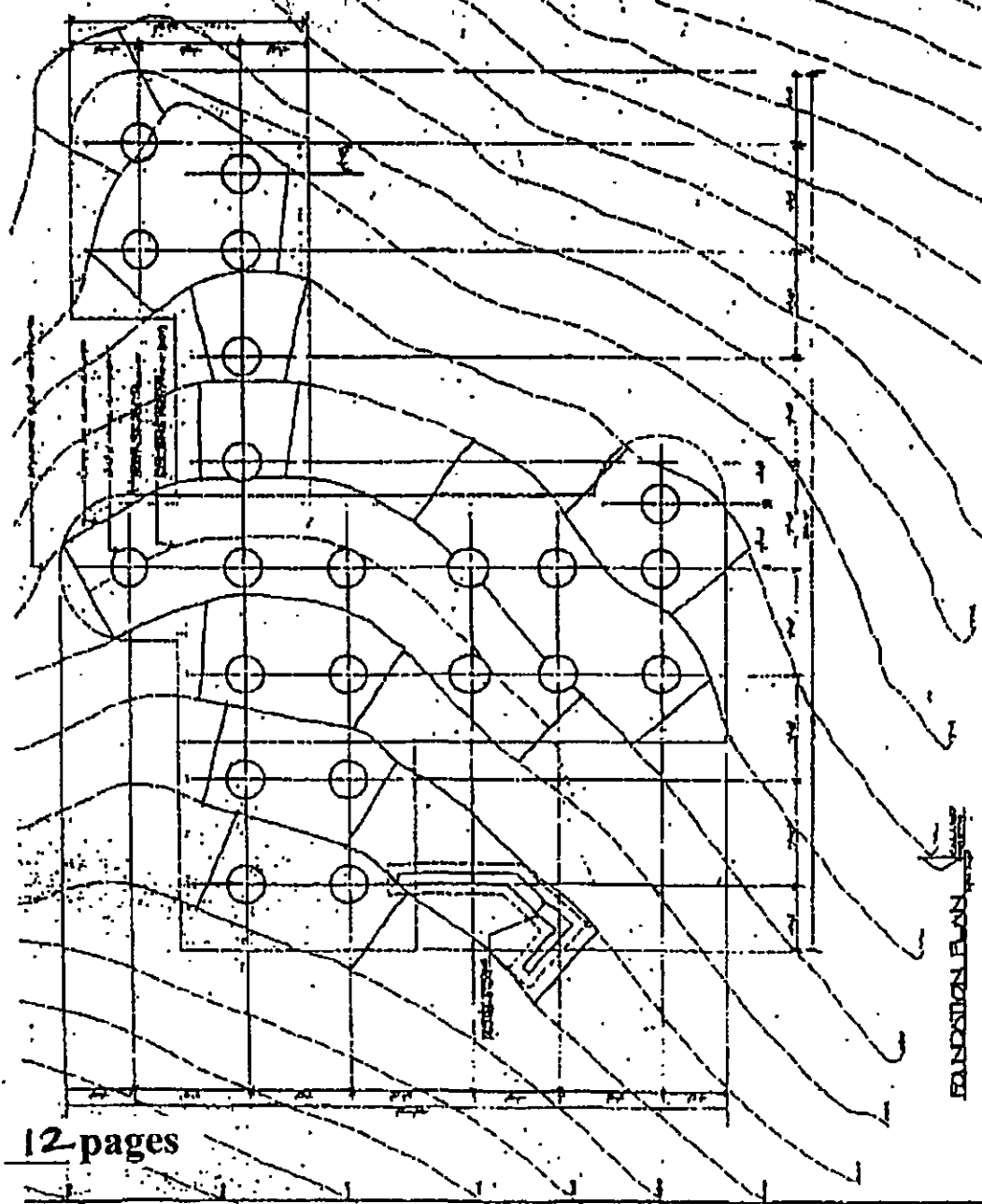
1. Design the project to fit the topographic and hydrologic features of the site. It is important to minimize grading of or near steep slopes. Disturbing native vegetation and natural soil structure allows runoff velocity and transport of sediments to increase.
2. Maintain runoff rates at or below pre-development levels. Runoff from post-development impervious structures should be retained on-site. The preferred method is to filter it back into the soil by means of percolation trenches intended for storm runoff only. Storm runoff should never be directed to septic tank system leachfields.
3. If retention is not possible, post-development generated runoff should be detained on-site and released in a controlled fashion. Runoff flows should be directed into pipes or lined ditches and then onto an energy dissipater to remove sediment before discharging the runoff into streams or drainage ways. De-silting the runoff may take form of silt basins, gravel berms, reforested vegetation screens, etc.
4. During construction, never store cut and fill material where it may wash into streams or drainage ways. Keep all culverts and drainage facilities free of all debris. Keep emergency erosion control materials such as straw mulch, plastic sheeting, and sandbags on-site and install these at the end of each day as necessary.
5. Re-vegetate and protect exposed soils by October 15. Use appropriate grass/legume seed mixes and/or straw mulch for temporary cover. Plan permanent vegetation to include native and drought tolerant plants. Seeding and re-vegetation may require special soil preparation, fertilizing, irrigation, and mulching.



SECOND FLOOR PLAN
10/15/05



MAIN FLOOR PLAN
10/15/05

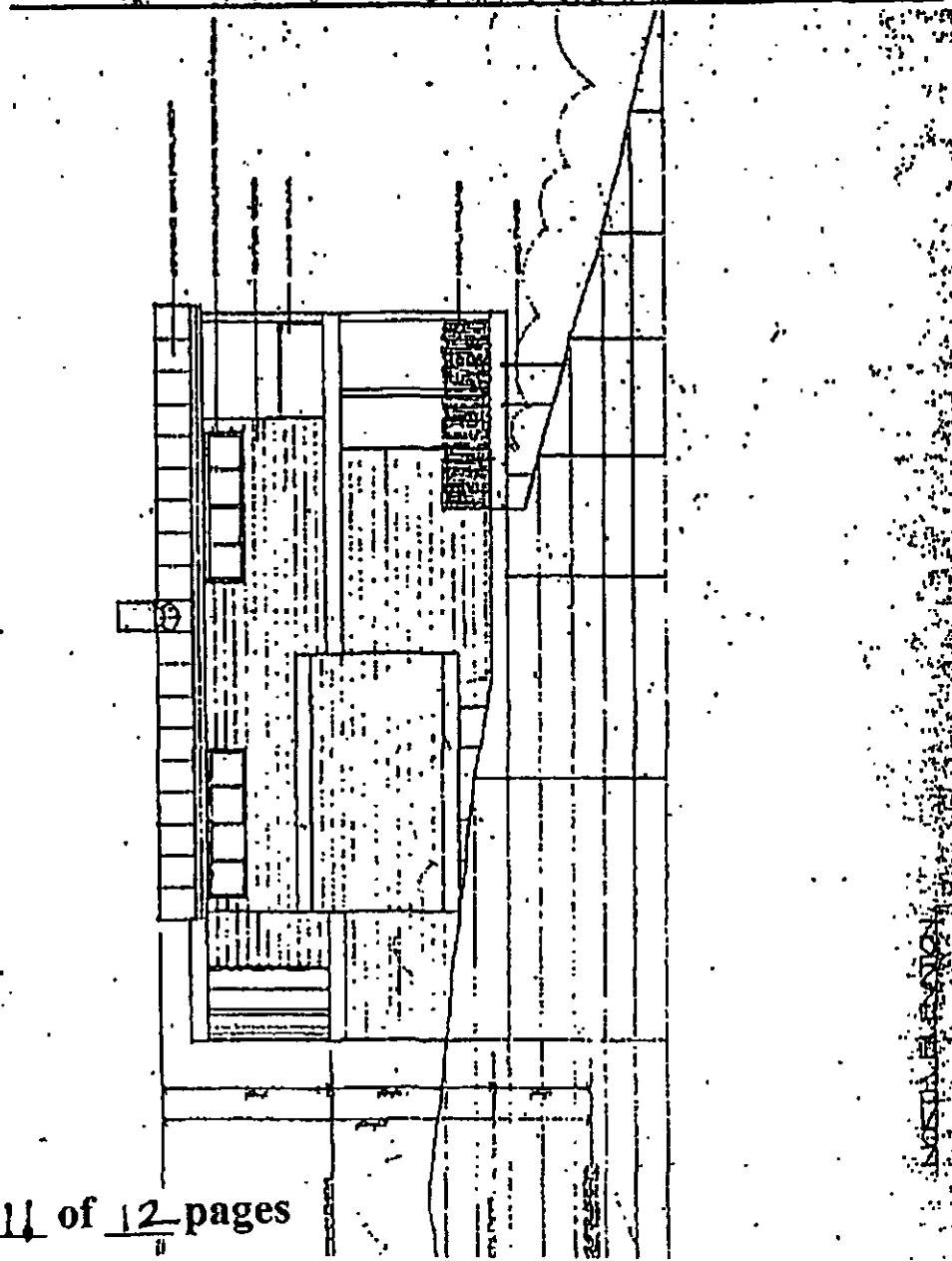
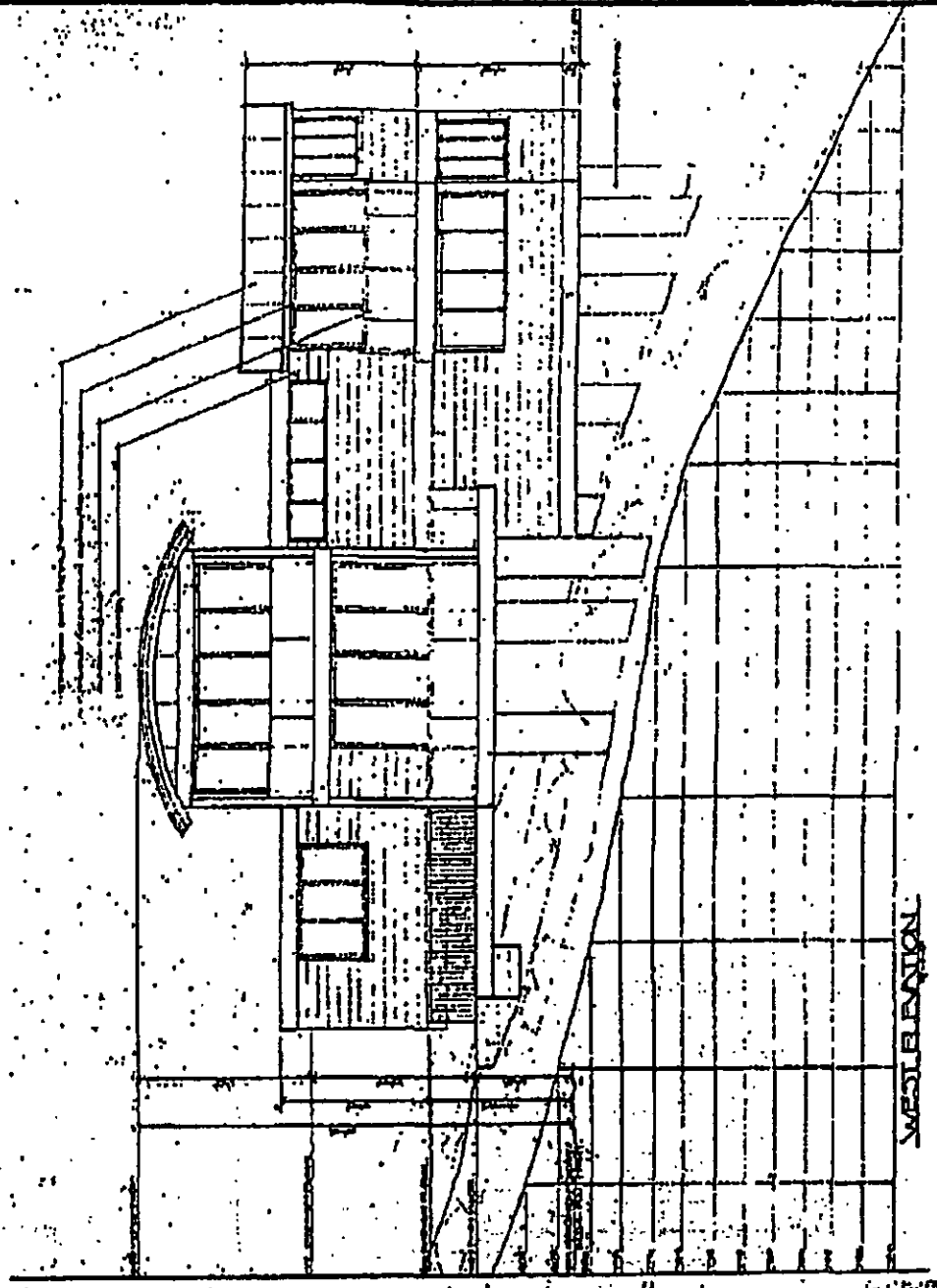


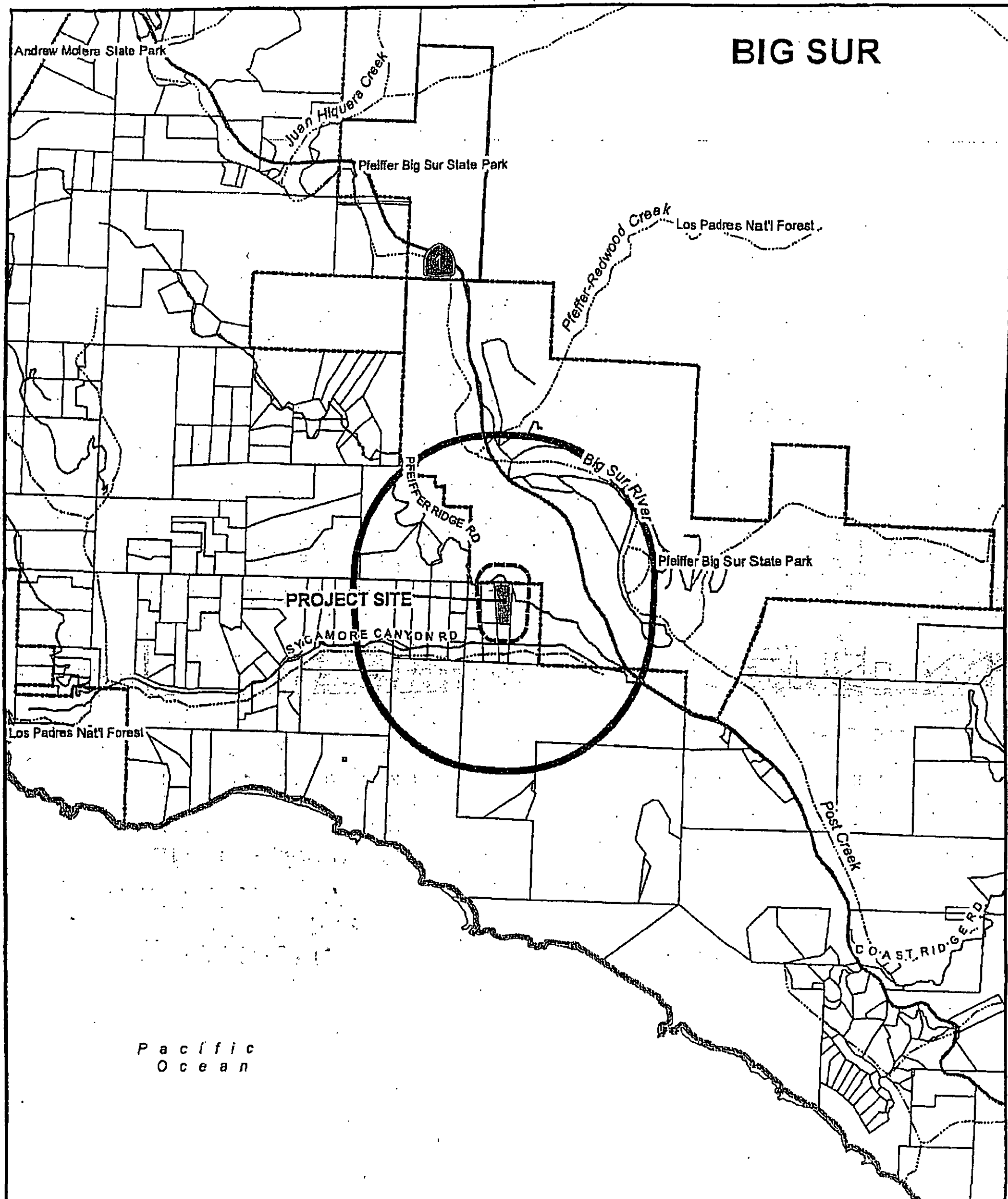
FOUNDATION PLAN
10/15/05

REVISIONS	BY

LIPMAN RESIDENCE
LONDON, MIDDLE
LITTLE ROCK ROAD
BIG SUR, CA 93720

FLOOR PLANS
FOUNDATION
EROSION CONTROL



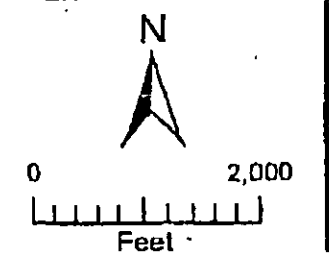


BIG SUR

APPLICANT: LIPMAN **Exhibit B** Page 12 of 12 pages

APN: 419-311-012-000 FILE # PLN060613

300' Limit 2500' Limit City Limits



Recording Requested by and
When Recorded, Mail To: *maria Lopez*
Monterey County Resource Management Agency
Planning Department
168 West Alisal St, 2nd Floor
Salinas, CA 93901

Space above for Recorder's Use

File No: PLN060613
Project Title: LIPMAN HILLARY
Resolution No: 07031
Applicant Name: LIPMAN HILLARY
Project Planner: ONCIANO
Parcel Number: 419-311-012-000

INDEMNIFICATION AGREEMENT

THIS AGREEMENT *is* made and entered into by and between the County of Monterey, a political subdivision of the State of California, hereinafter called "County" and *Hillary Lipman* hereinafter called Owner(s),
(print or type owner(s) name)

WITNESSETH:

WHEREAS, Owner(s) is/are the record owner(s) of the real property described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as the subject property; and

WHEREAS, the subject property is located within the boundaries of the Big Sur Coast LUP of Monterey County; and

WHEREAS, pursuant to the Plan and other applicable regulations of Monterey County and the State of California, Owner(s) applied to Monterey County for a Coastal Development Permit for the development of the subject property; and

WHEREAS, the Coastal Development Permit No. PLN060613 was granted on 07/11/2007 by the Monterey County Planning Commission pursuant to the Findings contained in Resolution No. 07031, attached hereto as Exhibit "B", and hereby incorporated by reference; and

WHEREAS, Permit No. PLN060613 was subject to certain conditions including but not limited to the following:

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

WHEREAS, Owner(s) has/have elected to comply with the aforesaid condition imposed by Permit No. PLN060613 so as to enable Owner(s) to undertake the development authorized by the permit,

NOW, THEREFORE, in consideration of the granting of Permit No. PLN060613 to the Owner(s) by Monterey County, Owner(s), for himself/herself and for his/her heirs, assigns, and successors in interest, covenants and agrees as follows:

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

2

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. (Planning and Building Inspection Department)

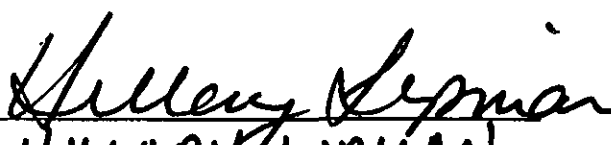
2. **BINDING EFFECT.** This agreement shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

3. **RECORDATION.** Upon execution of this agreement, Owner(s) shall cause recordation thereof with the County Recorder's Office.

4. **NEGOTIATED AGREEMENT.** It is agreed and understood by the parties hereto, that this agreement has been arrived at through negotiations and that neither party is to be deemed the party which prepared this agreement within the meaning of Civil Code Section 1654.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year set out opposite their respective signatures.

Dated: 3/13/09

Signed: 
HILLARY LIPMAN
(Print or Type Name)
Owner(s)

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On _____ before me, _____, Notary
Public, personally appeared _____,
personally known to me (or 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.

WITNESS my hand and official seal.

Signature SEE ATTACHED

(Seal)

4

State of California)
)
County of Monterey) SS.

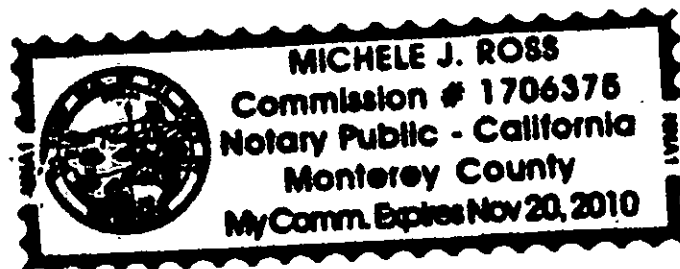
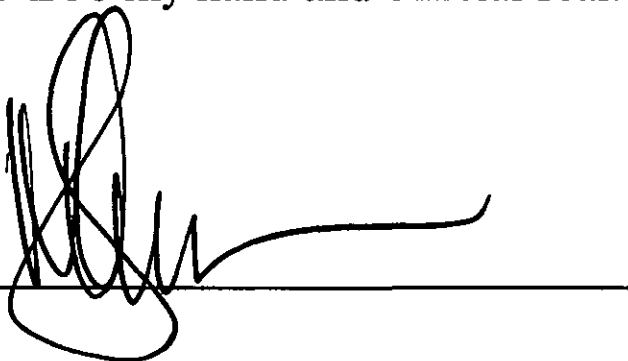
On March 13, 2009 before me, MICHELE J. ROSS, a notary public,
personally appeared HILARY LIPMAN, who proved to me on the
basis of satisfactory evidence to be the person whose name is subscribed to the within instrument
and acknowledged to me that he executed the same in his authorized capacity, and that by his
signature on the instrument the person, or the entity upon behalf of which the person 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.

(Seal)

Signature



5

(This Page for County Use Only)

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On _____ before me, _____, Notary
Public, personally appeared _____,
personally known to me (or 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.

WITNESS my hand and official seal.

Signature _____

(Seal)

COUNTY OF MONTEREY

Dated: 6/5/09

By Mike Novo
Mike Novo, Interim Director
Resource Management Agency
Planning Department

APPROVED AS TO FORM:
CHARLES J. MCKEE, County Counsel

By Mary Grace Perry 6-1-09
Deputy County Counsel
Mary Grace Perry

"ANY EXHIBIT(S) MUST BE NO LARGER OR SMALLER THAN 8 1/2" X 11"

Printed on: 08-20-2007

6

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of MontereyOn June 5, 2009 before me, Linda M. Rotharmel, Notary Public,
Date Here Insert Name and Title of the Officerpersonally appeared Mike Novo
Name(s) of Signer(s)

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.

Place Notary Seal Above

Signature Linda M. Rotharmel
Signature of Notary Public**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: Indemnification AgreementDocument Date: July 11, 2007 Number of Pages: 7Signer(s) Other Than Named Above: Hillary Lipman**Capacity(ies) Claimed by Signer(s)**

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

EXHIBIT "A"

LEGAL DESCRIPTION:

Certain real property situate in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 19 South, Range 2 East, M.D.B. & M., County of Monterey, State of California, being a portion of that certain property described in Grant Deed from Kenneth R. and Denoya Hyatt to Steve and Jackie Pappas, recorded June 19, 1979 in Reel 1339 of Official Records at Page 175 in the Office of the County Recorder of said county and state, said property being more particularly described as follows:

BEGINNING AT a point on the northerly line of said Section 31, distant South $88^{\circ}56'$ East, 409.17 feet from the northwest corner of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31; thence along the northerly line of said Section 31

1. South $88^{\circ}56'$ East, 370.89 feet to a point from which the quarter section corner on said line bears South $88^{\circ}56'$ East, 532.44 feet distant; thence leaving said section line and parallel to the quarter section line running through said Section 31
2. South $0^{\circ}07'$ East, 656.14 feet to a point distant South $01^{\circ}04'$ West, 656 feet from the northerly line of said Section 31; thence westerly and parallel to the northerly line of said Section 31
3. North $88^{\circ}56'$ West, 261.29 feet; thence
4. North $09^{\circ}34'$ West, 667.46 feet, more or less, to the Point of Beginning.

END OF DESCRIPTION

APN 419-311-012-000

EXHIBIT B

PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 07031

A.P. # 419-311-012-000

FINDINGS AND DECISION

In the matter of the application of
Hillary Lipman (PLN060613)

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.70 (Coastal Development Permits) of the Monterey County Code, to allow the designation of a "Donor Site" in exchange for Transferable Development Credits pursuant to section 20.64.190 of the Monterey County Zoning Ordinance (Title 20). The property is located at 41730 Pfeifer Ridge Road, Big Sur, Big Sur Land Use Plan, Coastal Zone, and came on regularly for hearing before the Planning Commission on July 11, 2007.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

FINDING: CONSISTENCY - The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Big Sur Coast Land Use, Coastal Implementation Plan, Part 3, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) Plan Conformance - The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) Zoning Consistency - The property is located at 41730 Pfeifer Ridge Road (Assessor's Parcel Number 419-311-012-000), Big Sur Coast Land Use Plan. The parcel is zoned Rural Density Residential, 40 acre per unit with a Design Control Overlay, in the Coastal Zone ("RDR/40-D [CZ]"). The parcel, located in the critical viewshed, consists of the designation of a "Donor Site" in exchange for Transferable Development Credits pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the "Donor Site" designation.

(c) Site Visit - The project planner conducted site inspections in April and July 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) Transfer of Development Credit (TDC) - The project planner conducted site visits on November 21, 2006 and July 2, 2007 and determined that Assessor's Parcel Number 419-311-012-000 qualifies as a donor site because it is a buildable lot that is visible from Highway One and is within the critical viewshed pursuant to Section 20.145.020.V of the Coastal Implementation Plan. The parcel is a viewshed lot in that it is a buildable parcel upon which a residential building site can be located and accessed in conformity with the Big Sur Coast Land Use Plan policies except for the Local Coastal Program (LCP) viewshed policies.

- (e) Land Use Advisory Committee (LUAC) - The project was not referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because it does not involve ridgeline/viewshed development. Condition No. 3 requires placing the property in an irrevocable open space easement; thus, preventing any future development of the property (Section 20.64.190.040.5 of the CIP).
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060613.
- (g) The written decision of the Planning Commission shall serve as the TDC defined in Section 20.64.190.030 of the CIP. This right shall exist in perpetuity and shall be extinguished upon transfer to a receiver site.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, California Department of Forestry, California Department of Transportation, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by outside archaeological, biological and geotechnical/geoseismic consultants indicate that there are not physical or environmental constraints that would indicate that the site is not suitable to be designated as a "donor site" pursuant to Section 20.64.190.030 of the Monterey County Zoning Ordinance (Title 20). County staff concurs. The following reports have been prepared:

- ✦ *"Preliminary Archaeological Reconnaissance" (LIB070292) prepared by Gary S. Breschini, April 19, 1979.*
- ✦ *"Biological Assessment Letter" (LIB070293) prepared by Jeff Norman, Consulting Biologist, Big Sur, CA, August 26, 2000.*
- ✦ *"Preliminary Geotechnical/Geoseismic Report" (LIB070294) prepared by Grice Engineering, Inc, Salinas, CA, April 2005*
- ✦ *"Percolation Study and Septic System Design" (LIB070295) prepared by Grice Engineering, Inc, Salinas, CA, April 2005*

- (c) Assessor's Parcel Number 419-311-012-000, located in the critical viewshed, is appropriate for designation as a "Donor Site", pursuant to Section 20.156.040 of the Coastal Implementation Plan. The parcel has been determined to be buildable. The subject site can be accessed and at least one single family residence can be constructed in conformity with all of Monterey County's Health and Safety Codes and all County Land Use Plan policies except the critical viewshed policy. A preliminary geotechnical/geoseismic report (LIB070294) prepared by Grice Engineering, Inc. (April 2005) indicates that there is adequate area on the lot to locate a suitable building site. Adequacy of water and septic systems have been verified by the Division of Environmental Health. Additionally, the preliminary archaeological reconnaissance (April 1979) prepared by Gary S. Breschini (September 1995) concludes that there are no known archaeological resources on the subject parcel. Finally, the biological assessment recommends revegetation and the placement of a habitat conservation easement, consistent with the requirements of the CIP, if development were to occur.

- (d) Staff conducted site inspections on November 21, 2006 and July 3, 2007 to verify that the site is buildable and is located within the Critical Viewshed.
- (e) Materials in Project File PLN060613.

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

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15325(a) categorically exempts acquisition or transfer of ownership of interest in land in order to preserve open space. The project involves a TDC that requires the property to be dedicated as a permanent irrevocable open space easement.

(b) No adverse environmental effects were identified during staff review of the development application during sites on November 21, 2005 and July 3, 2007.

(c) See preceding and following findings and supporting evidence.

4. **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. Zoning violation abatement costs, if any, have been paid.

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

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

6. **FINDING: APPEALABILITY** - The decision on this Coastal Development Permit is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Section 20.140.080 G and J of the Monterey County Zoning Ordinance (Title 20).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 11th day of July, 2007, by the following vote:

AYES: Errea, Brown, Isakson, Padilla, Ottone, Diehl, Sanchez, Salazar, Vandever

NOES: None

ABSENT: Rochester


MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 24 2007

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

AUG - 3 2007

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

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

Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Lipman

File No: PLN060613

APNs: 419-311-012-000

Approved by: Planning Commission

Date: July 11, 2007

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit and Number	Monitoring Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed where applicable or Certified Professional is required for action to be accepted	Responsible Party for Compliance	Ongoing unless otherwise stated	Verified (date)
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Coastal Development Permit (PLN060613) consists of the designation of a "Donor Site" in exchange for two (2) Transferable Development Credits, pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance (Title 20). The property is located at 41730 Pfeiffer Ridge Road (Assessor's Parcel Number 419-311-012-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and</p>	Adhere to conditions and uses specified in the permit.	Owner/Applicant	Ongoing unless otherwise stated	

	mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.	<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution No. 07031) was approved by the Planning Commission for Assessor's Parcel Number 419-311-012-000 on July 11, 2007. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.	<p>NON STANDARD IRREVOCABLE OPEN SPACE EASEMENT</p> <p>That the applicant record a scenic easement, dedicated to the County of Monterey, over APN 419-311-012-000. The form and content of the easement must be approved pursuant to Section 20.142.130 and utilize Appendix 10 of the Monterey County Coastal Implementation Plan. The easement must be recorded prior to the validation of the two (2) Transfer Development Credits (TDC). Designation of a parcel as a donor site shall require an offer to dedicate to the County of Monterey, the text of which has been approved by the County. Upon transfer of the two (2) TDCs, the County shall accept the easement offer. (RMA - Planning Department)</p>		Owner/ Applicant	Prior to validation of the two (2) Transfer Development Credits	
4.	Development credits shall not be issued to a receiver site unless and until the above requirements have been met and the receiver site has received approval of a Coastal Development Permit. (RMA - Planning Department).		Applicant/ Owner & RMA-PD	On-going	

5.

Exhibit B Page 7 of 12 pages

<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Subn gned and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Upon demand of County Counsel or prior to recordation of the Notice of Transferable Development Credit(s)</p>
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D OF CONDITIONS

lary Lipman (PLN060613)

VICINITY MAPS PARCEL MAPS PROJECT DESCRIPTION		COUNTY FILE NO. PLN 060613 APPLICATION TO CREATE A DONOR SITE FOR THE TRANSFER OF DEVELOPMENT CREDITS APN 419-311-012, PFEIFFER RIDGE ROAD, BIG SUR
DATE 4/10/07	NO NOTED	
1 OF 4		

PROJECT DESCRIPTION - PLN 060613
Coastal Development Permit to designate a Donor Site in exchange for Transferable Development Credits, pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance. Subsequently, development rights will be extinguished on the subject donor parcel.

RESIDENTIAL BUILDING SITE
The purpose of the attached plans is to demonstrate that a residence can be developed on the subject parcel, but that it is in the critical viewshed of Highway 1.

In addition to the architectural plans, the applicant has previously submitted consultant reports to the Planning Department that demonstrate the buildability of the subject parcel:

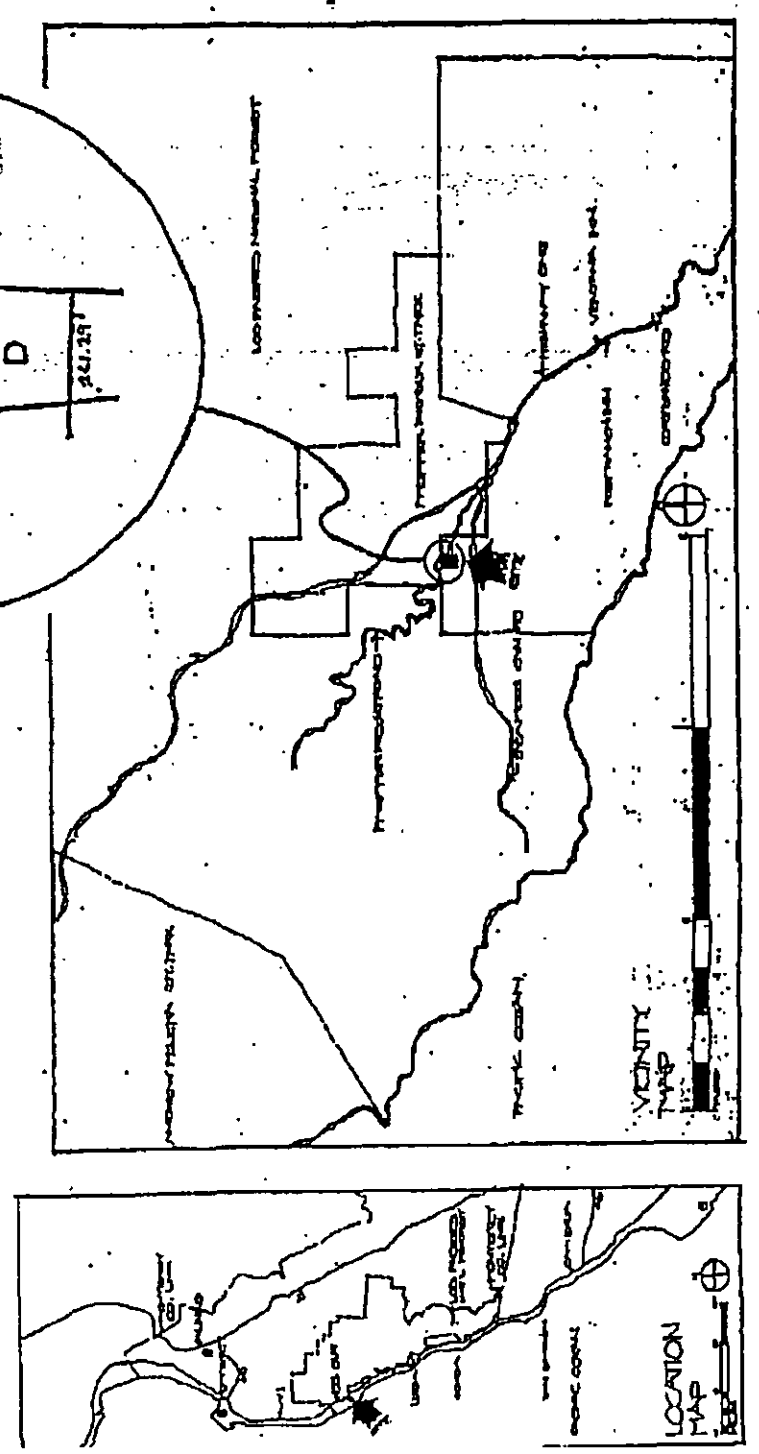
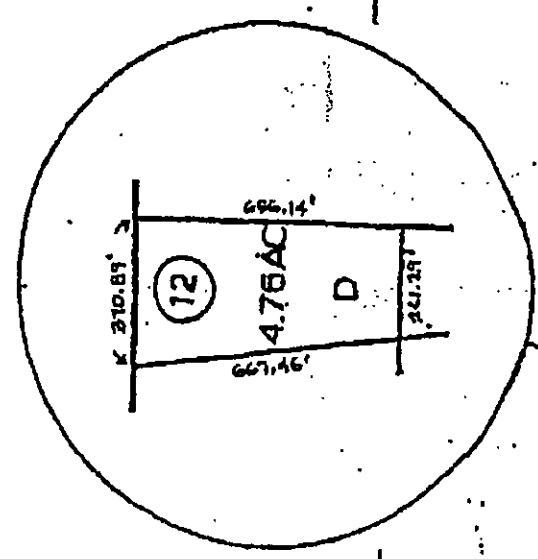
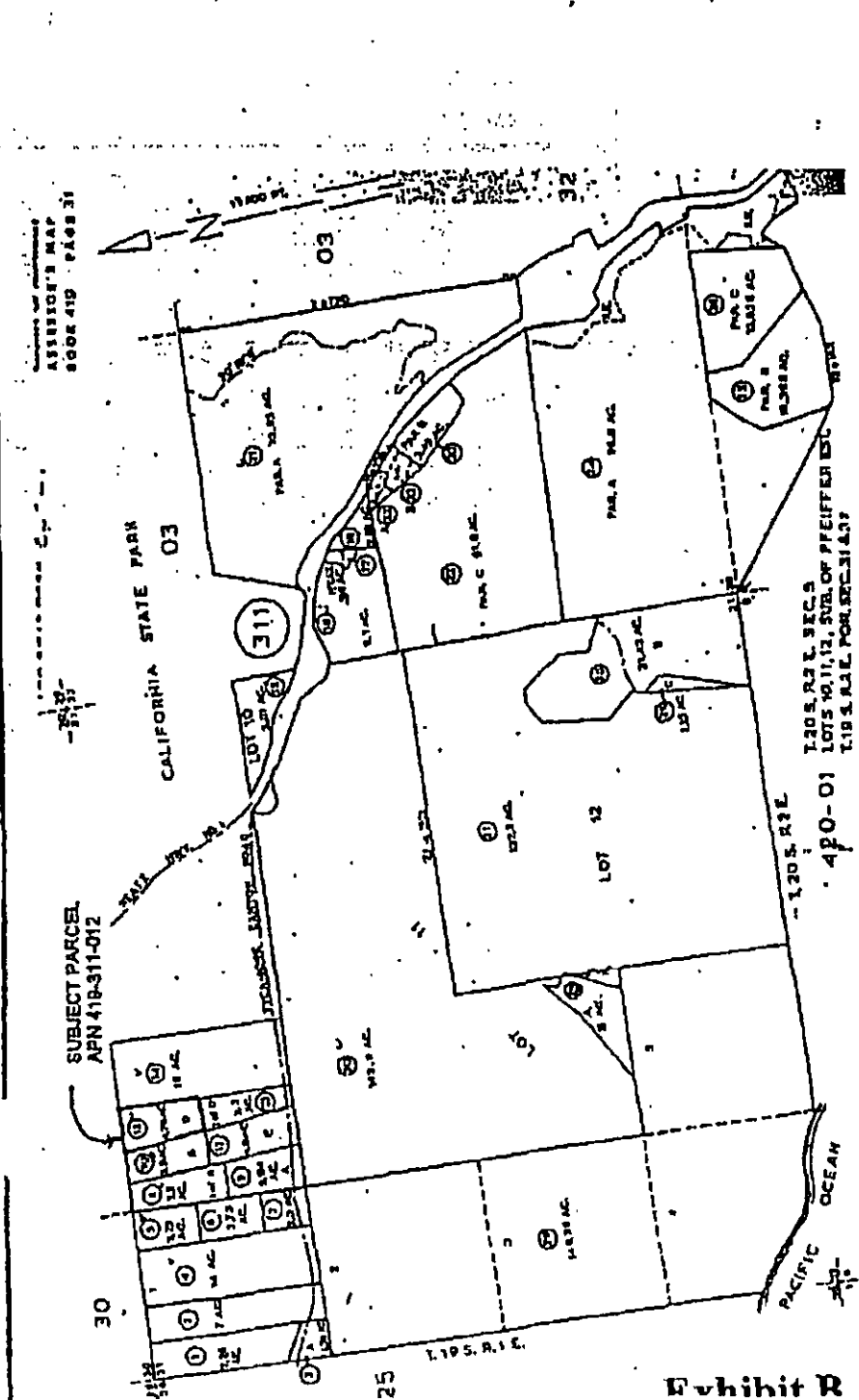
1. Geotechnical soils-foundation & Geoseismic Report with Geo-hazards evaluation by Grice Engineering & Geology, April 2005
2. Report of Percolation study and Septic system design by Grice Engineering & Geology, April 2005
3. Biological evaluation by Jeff Norman, August 2000
4. Archaeological report by Gary Breschini, April 1979

PROJECT DATA

Project location: Pfeiffer Ridge Road, 0.5 mi. west of Hwy. 1
APN: 419-311-012-000
Lot size: 4.76 acres
Lot coverage: none existing, none proposed
Grading: none
Tree removal: none
Zoning district: RDR/40 (CZ)
Owner: Lipman, Hillary
P.O. Box 22588
Camel, CA, 93922

SHEET INDEX

Project Description, Data, and Maps	1
Site Plan - Building Site	2
Floor Plans	3
Elevations	4



DATE	7/24/06
FILE	100-1001
SURVEY	NATHAN
PROJECT	UTAH CENTER
2 OF 4	

APN 419-021-002

APN 419-311-012 (REEL 1339, PG. 175)

LEGEND

BOUNDARY

CENTERLINE OF PATH

APPROXIMATE BOUNDARY

OVERHEAD POWER LINES

FEIFFER RIDGE ROAD

HEAVY BRUSH (CONTOURS APPROXIMATE)

EXISTING ASPHALT PAVED

SPRING POLE TEST HOLE

WATER SUPPLY

4x4 POST IN FENCE

AREA OF 2.500 ACRES

GRAPHIC SCALE (IN FEET) 1 inch = 10 ft

UTAH CENTER

DATE 7/24/06

FILE 100-1001

SURVEY NATHAN

PROJECT UTAH CENTER

2 OF 4

NOTES:

THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

GROUND COVERED BY DENSE VEGETATION AND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

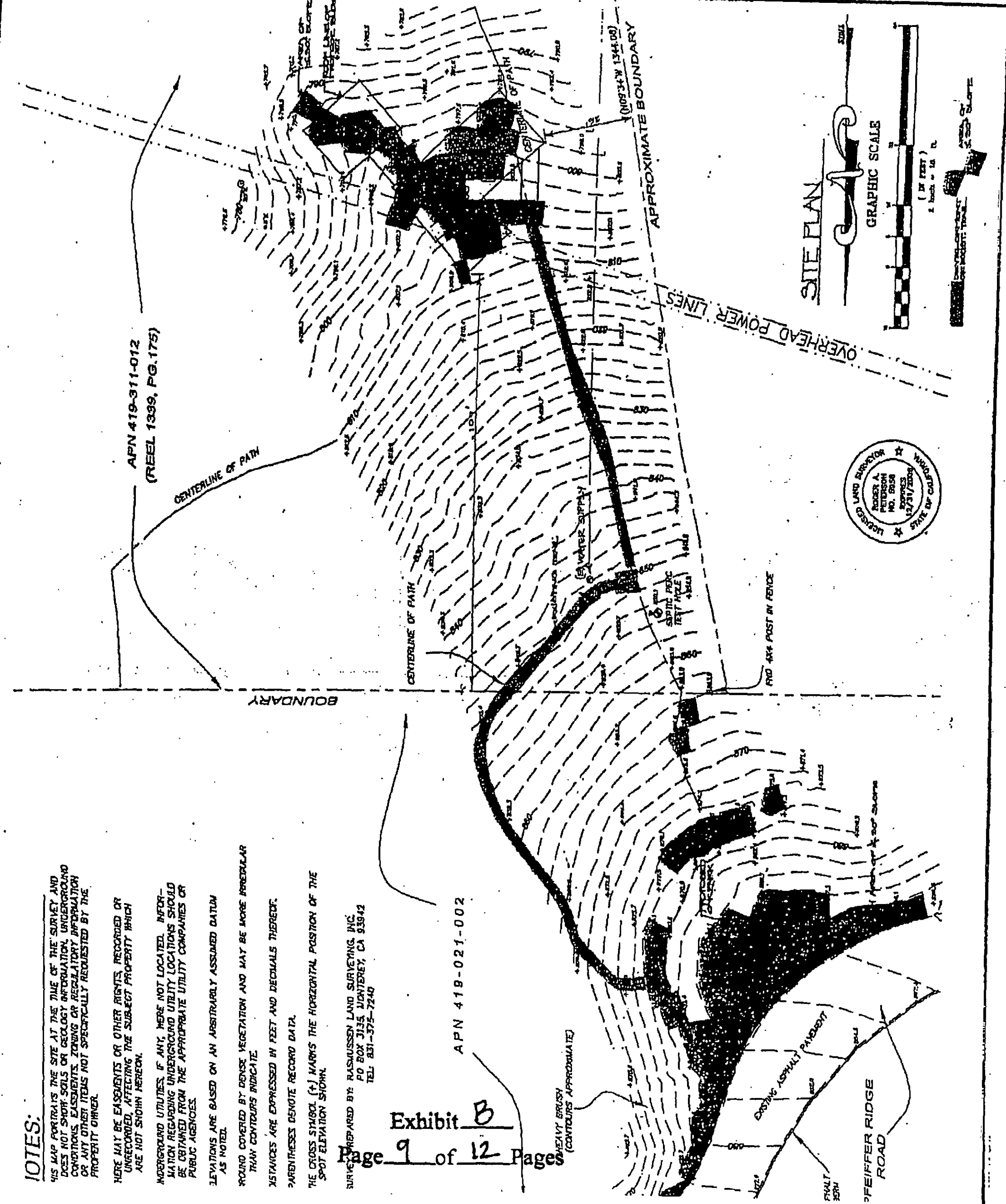
DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

PARENTHESES DENOTE RECORD DATA.

THE CROSS SYMBOL (+) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION SHOWN.

SURVEY PREPARED BY: RASBUSEN LAND SURVEYING, INC.
PO BOX 3135, MONTEREY, CA 93942
TEL: 831-575-7240

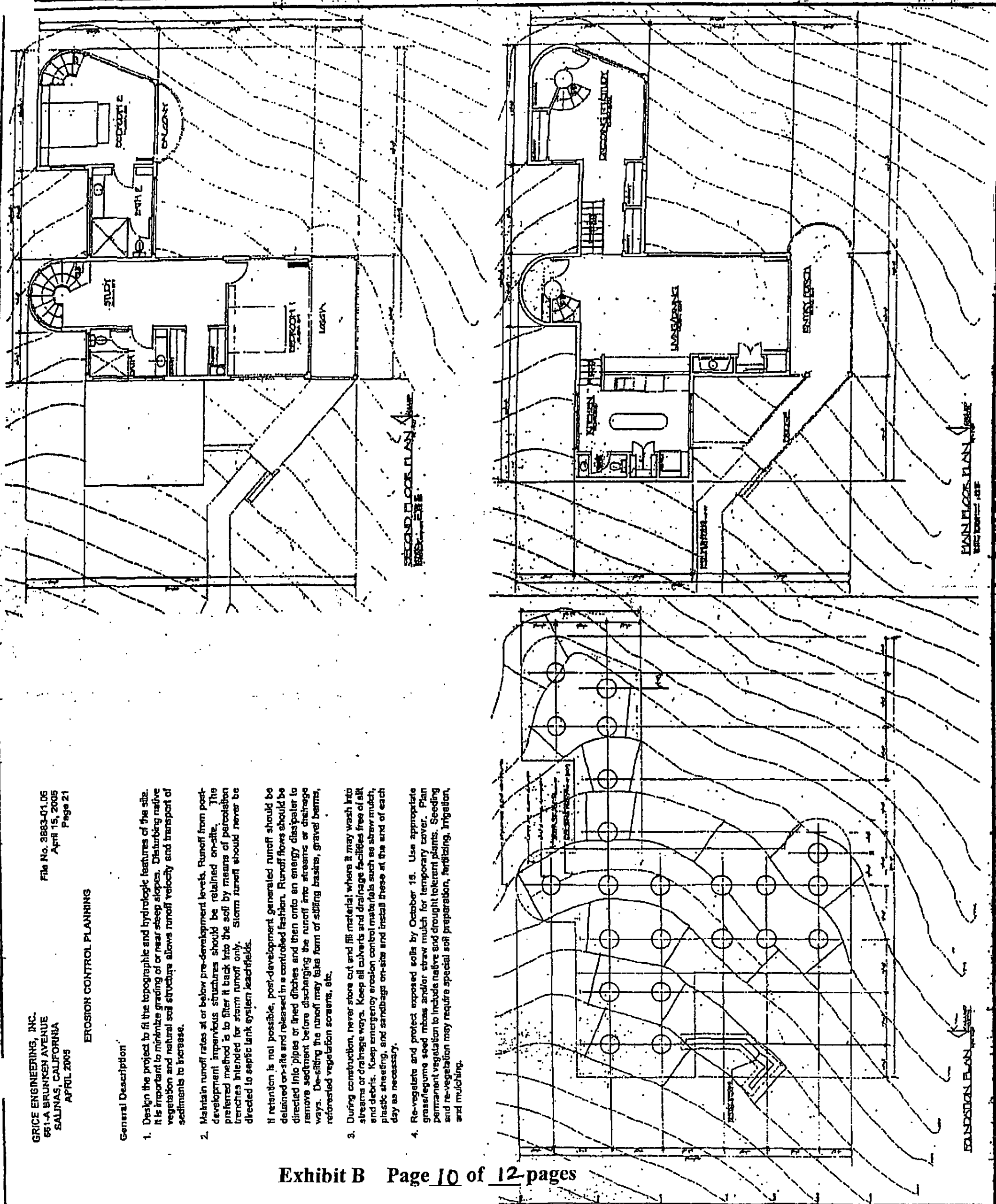
APN 419-021-002

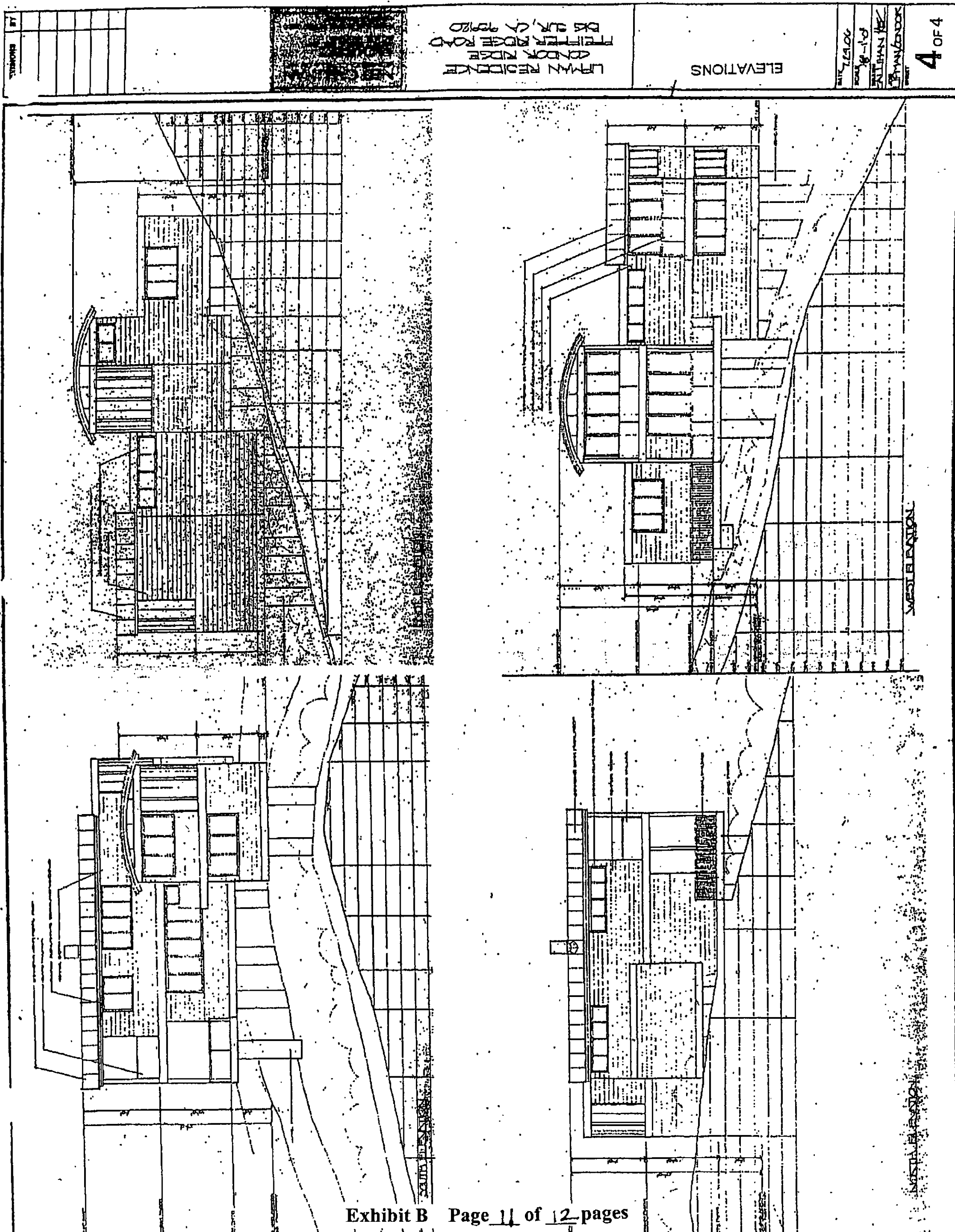


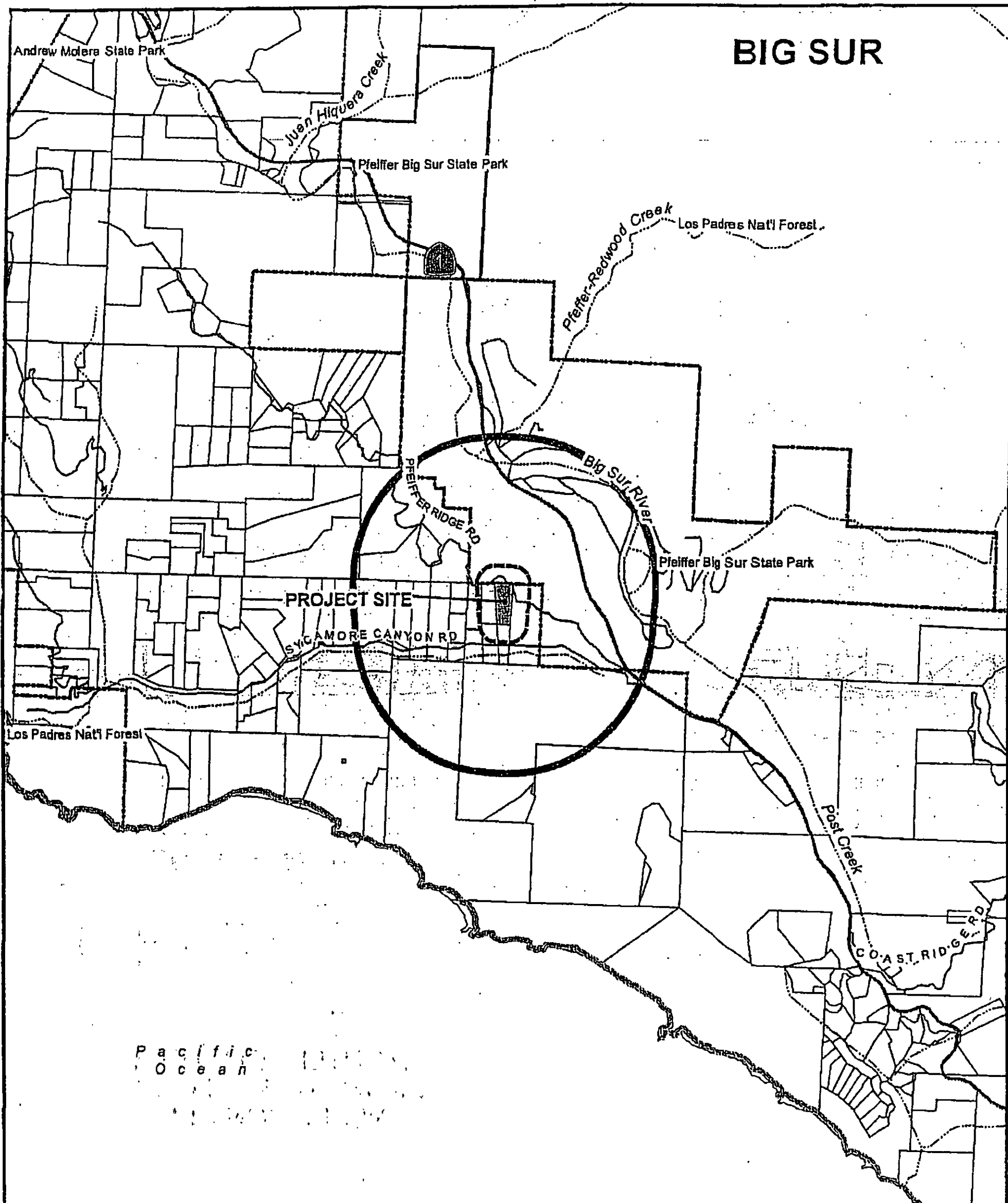
EROSION CONTROL PLANNING

General Description:

1. Design the project to fit the topographic and hydrologic features of the site. It is important to minimize grading of or near steep slopes. Disturbing native vegetation and natural soil structure allows runoff velocity and transport of sediments to increase.
2. Maintain runoff rates at or below pre-development levels. Runoff from post-development impervious structures should be retained on-site. The preferred method is to filter it back into the soil by means of percolation trenches intended for storm runoff only. Storm runoff should never be directed to septic tank system leachfields.
3. If retention is not possible, post-development generated runoff should be detained on-site and released in a controlled fashion. Runoff flows should be directed into pipes or lined ditches and then onto an energy dissipater to remove sediment before discharging the runoff into streams or drainage ways. De-silting the runoff may take form of siltling basins, gravel berms, reforested vegetation screens, etc.
4. During construction, never store cut and fill material where it may wash into streams or drainage ways. Keep all culverts and drainage facilities free of dirt and debris. Keep emergency erosion control materials such as straw mulch, plastic sheeting, and sandbags on-site and install these at the end of each day as necessary.
5. Re-vegetate and protect exposed soils by October 15. Use appropriate grass/legume seed mixes and/or straw mulch for temporary cover. Plan permanent vegetation to include native and drought tolerant plants. Seeding and re-vegetation may require special soil preparation, fertilizing, irrigation, and mulching.







APPLICANT: LIPMAN

Exhibit B Page 12 of 12 pages

APN: 419-311-012-000

FILE # PLN060613



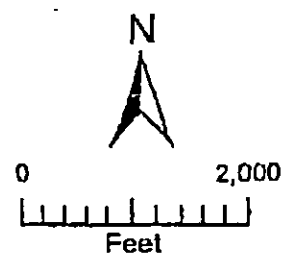
300' Limit



2500' Limit



City Limits




**CERTIFICATE OF ACCEPTANCE
AND
CONSENT TO RECORDATION**

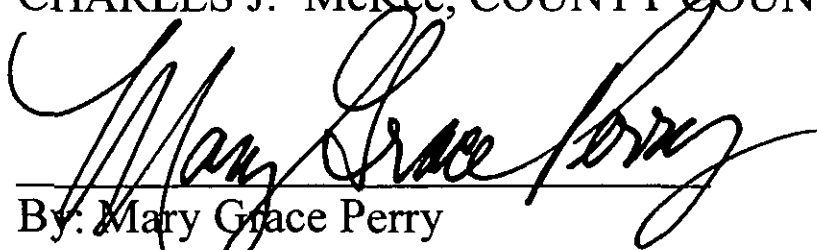
This is to certify that the interest in real property conveyed by this Offer to Dedicate Irrevocable Open State and Scenic Easement Deed in Exchange for Transferable Development Credits dated March 13, 2009, from Hillary Lipman, Grantor, to the COUNTY OF MONTEREY, a political subdivision of the STATE OF CALIFORNIA as Grantee, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Monterey pursuant to the authority conferred by recordation thereof by its duly authorized officer.

Dated 7/15/09

COUNTY OF MONTEREY

By: 
Mike Novo, Director of Planning
Resource Management Agency

APPROVED AS TO FORM:
CHARLES J. McKee, COUNTY COUNSEL


By: Mary Grace Perry
Deputy County Counsel

Date: July 15, 2009

END OF DOCUMENT

END OF DOCUMENT

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