

# Attachment A

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# DRAFT RESOLUTION

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

In the matter of the application of:

**VAN GREUNEN (PLN150489)**

**Resolution No. ---**

Resolution by the Monterey County Board of  
Supervisors:

- 1) Grant the appeal by Johannes and Kristi Van Greunen from the Planning Commission's decision denying the application by Johannes and Kristi Van Greunen for a Coastal Development Permit for a Lot Line Adjustment; and
- 2) Finding the project Categorical Exempt per CEQA Section 15305(a); and
- 3) Approving a Coastal Development Permit for a Lot Line Adjustment between three existing conforming parcels of 13.5 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres.

[PLN150489, VAN GREUNEN, Johannes and Kristi, 6820 Long Valley Road, Royal Oaks, North County Coastal Land Use Plan (APN: 129-201-052-000 and 129-201-006-000)]

**The appeal by Johannes and Kristi Van Greunen from the Planning Commission's denial of the Coastal Development for a Lot Line Adjustment (Johannes & Kristi Van Greunen/PLN150489) came on for public hearing before the Monterey County Board of Supervisors on February 14, 2017 and May 16, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:**

### FINDINGS

1. **FINDING:** **CONSISTENCY/SITE SUITABILITY** – The Lot Line Adjustment, as conditioned, is consistent with the applicable plans and policies.  
**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 1982 Monterey County General Plan;
  - North County Coastal Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 2;
  - Monterey County Zoning Ordinance (Title 20);
  - Monterey County Subdivision Ordinance (Title 19);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 6820 Long Valley Road, Royal Oaks (Assessor's Parcel Number 129-201-052-00 AND 129-201-006-000), North County Coastal Land Use Plan. The parcel is zoned "RDR/10(CZ)" or Rural Density Residential, 10 acre maximum density, Coastal Zone, which allows Lot Line Adjustments as a conditionally permitted use, subject to a Coastal Development Permit.
- c) The proposed project is a Coastal Development Permit for a Lot Line Adjustment between three existing conforming parcels of 13.5 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres. Therefore, the project is an allowed land use for this site.
- d) Neither parcel is under Williamson Act contract or used for agricultural purposes.
- e) Rural Density Residential (RDR) Site Development Standards. The RDR/10 zoning designation allows residential development subject to specific development standards (coverage, height, and setbacks), and requires a minimum building site of five acres unless otherwise approved as part of clustered residential development and a maximum gross density of 10 acres/unit. Each of the existing lots are sized larger than the 5-acre minimum. The reconfigured lots will result in a two of the three new lots being under the 5 acre minimum (2.9 and 3.6 acres), but due to the "clustering" of the future residential developable areas, these lots can be approved. The overall density of development will not change and will continue to be consistent with the 10 acres/unit requirement (3 lots on 40 acres = 13.3 acres/unit). The application of a the "B-6" overlay (Condition 7) to the reconfigured 33.6 acre parcel will ensure no future subdivision, which will also maintain the 10 acres/unit density development of the overall 40 acre area.
- f) North County Coastal Land Use Plan Development Policies. Policies 2.3.2.6 and 2.3.3.2 of the North County Coastal Land Use Plan require the County to ensure preservation of environmentally sensitive habitat areas, including Maritime Chaparral. Preservation shall be achieved through the establishment of deed restrictions and/or conservation easements. The subject property contains Maritime Chaparral which are considered an uncommon environmentally sensitive habitat. Approval of the lot line adjustment would result in a reconfigured lot line pattern, with all development clustered in the northwest corner of the site, which would eliminate potential degradation of Maritime Chaparral. Condition 6 requires that all areas mapped and identified as Maritime Chaparral be placed into a Scenic and Conservation Easement, which ensure preservation of these areas.
- g) Policy 4.3.6.D.7 of the North County Coastal Land Use Plan requires protection of Arnold Loamy Sand, a highly erodible soil type. The southern extent of the project site is composed primarily of Arnold Loamy Sand. Approval of the Lot Line Adjustment with all development clustered in the northwest corner of the site, would eliminate potential degradation and impacts to the highly erodible

Arnold Loamy Sand, particularly with the requirement that the areas consisting of Arnold Loamy Sand be covered with a conservation easement (Condition 6).

- h) Policy 2.2.3.1 of the North County Coastal Land Use Plan in part requires “...*slopes adjacent to scenic corridors and viewpoints, and ridges shall be zoned for scenic conservation treatment.*” The northern most portion of the project site is an upper elevation ridge which is visible from public roads. This portion of the project site is being placed in to a Scenic and Conservation Easement (Condition 6) which will preserve this portion of the land in an undeveloped state.
- i) Section 20.144.030.B.7 of the North County Implementation Plan specifies that new subdivisions and lot line adjustment shall not allow reconfiguration(s) which creates a building site would result in ridgeline development, and the regulation requires a condition of approval to establish a building site and building height envelope to specify non-ridgeline development. In this particular case, the ridgeline located in the northern portion of the property is being placed into a Scenic and Conservation Easement (SCE) (Condition 6), which prohibits development within this area. Furthermore, the areas of highly erodible soil (Arnold Loamy Sand) and environmentally sensitive habitat areas (ESHA – Maritime Chaparral) is required to be placed into a Scenic and Conservation Easement, which would prohibit development within these areas. The placement of ridgelines, ESHA, and highly erodible soil areas into a SCE is consistent with the Section 20.144.030.B.7, as the SCE areas create defacto building envelopes on each new parcel, by limiting development to areas outside of the SCE. Additionally, the SCE ensures that the reconfigured lots will not result in building sites that will result in ridgeline development, or impact highly erodible soils or ESHA. Condition 7 requires a an 18 foot height restriction be added by zoning overlay.
- j) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, North County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the Lot Line is not consistent with applicable regulations/policies. Conditions recommended have been incorporated.
- k) See preceding and following Findings and Evidence.

2. **FINDING:**

**LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
3. The parcels resulting from the lot line adjustment conforms to the County’s general plan, any applicable specific plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The Lot Line Adjustment between existing parcels of 13.5 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres.
  - b) The lot line adjustment is between three existing adjoining parcels and will not create a greater number of parcels than originally existed. Three contiguous separate legal parcels of record will be adjusted and three contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
  - c) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20), North County Coastal Land Use Plan, and 1982 Monterey County General Plan, which remains in effect for properties within the Coastal Zone. (See finding 1 above.) Staff verified that the subject properties are in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property.
  - d) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
  - e) See preceding and following Findings and Evidence.

3. **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 RMA-Building Services records and is not aware of any violations existing on subject property.
  - b) See preceding and following Findings and Evidence.

4. **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 15305(a), categorically exempts minor lot line adjustments not resulting in the creation of any new parcel(s).
  - b) The project is a lot line adjustment between three existing conforming parcels of 13.5 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres. No new parcels will be created by this application.
  - c) The project does not involve land with an average slope of more than 20% and will not result in any changes to land use or density for the subject parcels.
  - d) No adverse environmental effects were identified during staff review of the development application.
  - e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, or unusual circumstances that

would result in a significant effect or development that would result in a cumulative significant impact.

f) See preceding and following Findings and Evidence.

5. **FINDING:** **PROCEDURAL BACKGROUND** – The project has been processed in compliance with County regulations, and due process has been afforded to the applicant and the public.
- EVIDENCE:**
- a) On October 19, 2015, Johannes & Kristi Van Greunen filed an application for a Coastal Development Permit to allow a Lot Line Adjustment between three existing conforming parcels (13.5 acres, 7.4 acres, and 19.1 acres) resulting in three reconfigured parcels of 2.9 acres (Parcel 1), 3.6 acres (Parcel 2), and 33.5 acres (Parcel 3).
  - b) The Coastal Development Permit (PLN150489) was deemed complete on November 20, 2015.
  - c) The project was brought to public hearing before the Monterey County Planning Commission on September 14, 2016, September 28, 2016, October 26, 2016, and November 9, 2016. On November 9, 2016, the Planning Commission found the project inconsistent with the requirements for “clustered development” within the Rural Density Residential zoning designation and denied the Coastal Development Permit/Lot Line Adjustment application (PC Resolution No. 16-025).
  - d) An appeal from the Planning Commission’s denial of the Coastal Development Permit/Lot Line Adjustment was timely filed by Johannes & Kristi Van Greunen (“appellant”) on December 19, 2016.
  - e) The Board of Supervisors opened the public hearing on the appeal on February 14, 2017, took testimony, adopted a motion of intent to grant the appeal and approve the project, and continued the item to date uncertain to enable staff to return with a resolution with findings and evidence in accordance with the motion of intent.. At least 10 days prior to the public hearing on February 14, notices of the public hearing were published in the *Monterey County Weekly* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties. Notices of the May 16, 2017 hearing were published in the *Salinas Californian* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties.
  - f) Staff Report, minutes of the Planning Commission and Board of Supervisors, information and documents in Planning file PLN150489, documents in the files of the Clerk of the Board.

6. **FINDING:** **APPEAL AND APPELLANT CONTENTIONS** – The appellant requests that the Board of Supervisors grant the appeal and approve the Lot Line Adjustment/Coastal Development Permit application (PLN150489). The appeal alleges: the findings or decision or conditions are not supported by the evidence and the decision was contrary to law. *The contentions are* listed below with responses. The Board of Supervisors finds that there is substantial evidence to support the appeal and makes the following findings regarding the appellant’s contentions.

**Contention 1 – Planning Commission decision not supported by facts.**

The appellant contends the following are examples of the Planning Commission decision not being supported by the facts of the project:

- a) *The Planning Commission determined that the project did not constitute “clustering” and therefore was inconsistent with the minimum lot size requirements of the RDR(CZ) (Rural Density Residential, Coastal Zone) zoning designation. The minimum lot size within the RDR(CZ) district is “...5 acres unless otherwise approved as part of clustered residential development.” (MCC 20.16.060.A).*

*Neither the North County Land Use Plan (LUP), Implementation Plan (CIP), or Monterey County Zoning Ordinance, Title 20-Coastal define the word “cluster”. Merriam-Webster does define the word cluster as “a group of buildings and especially houses built close together on a sizable tract in order to preserve open spaces larger than the individual yard for common recreation.”*

*Despite a written recommendation from the Planning Department that the Lot Line Adjustment was clustering for complying with MCC Section 20.16.060.A, the Planning Commission indicated the lots were not small enough or have building sites close enough together to be considered clustered.*

**Response:**

The appellant is correct that neither the Monterey County Zone Code, the North County Land Use Plan, nor the Implementation Plan contain a definition for the word(s) “cluster” or “clustered”. The appellant is also correct that Merriam-Webster Dictionary does contain a definition of “cluster” similar in nature to the one cited in the appeal. Whether the lots are “clustered” is a question of interpretation of policy for the decision-maker.

The appellant is correct that the Planning Department did provide a written recommendation to the Planning Commission that the proposed project may be considered “clustered” for purposes of complying with MCC Section 20.16.060.A, based upon the on-site environmental factors including adequate size for septic feasibility (including primary, secondary, and tertiary treatment area), slopes, highly erodible soil (Arnold Loamy Sand), and environmentally sensitive habitat areas (ESHA). Evidence presented by Planning Department staff included the requirement/policies to preserve all ESHA (Maritime Chaparral - Policies 2.3.2.6 and 2.3.3.2 of the North County Coastal Land Use Plan) and highly erodible soils (Arnold Loamy Sand - Policy 4.3.6.D.7 of the North County Coastal Land Use Plan), which limited the amount of available space for construction of future residences and installation of septic facilities. See Finding 1, Evidence (e) through (i) above.



This evidence and analysis was presented to the Planning Commission for consideration on September 14, 2016, September 28, 2016, October 26, 2016, and November 9, 2016. The initial staff recommendation was for approval of the Coastal Development Permit/Lot Line Adjustment, and the initial draft resolution presented by staff did conclude that the proposed could be considered clustered development. However, the Planning Commission, after considering all the evidence presented, did not concur with staff the recommendation.

A recommendation by staff does not lock the hearing authority into one set decision point. In this case, the Planning Commission did not believe the project was “clustered development” and found that the project was not consistent with the requirement found in MCC Section 20.16.060.A. Therefore, without being able to make the required consistency finding (minimum lot size of 5 acre or clustered development), the Planning Commission was unable to approve the requested Coastal Development Permit/Lot Line Adjustment application and denied the project. The appellant timely appealed the Planning Commission’s decision to the Board of Supervisors.

On February 14, 2017, the Board of Supervisors held a public hearing on the appeal and project and received information and presentations from county staff and the project applicant, followed by testimony and presentations from the public. Upon the close of the public hearing, staff responded to questions from the Board of Supervisors. Following these responses, the Board of Supervisors deliberated and adopted a motion of intent, on a 3-2 vote, to approve the project, finding that the project could be considered clustered development and was therefore consistent with the requirements for lot size found in MCC Section 20.16.060.A. The Board further directed Staff to return at a future date with a resolution to approve the project.

*b) The Planning Commission decision was based solely on the lot size and completely ignored adopted policies of the North County Land Use Plan, which were specifically added to address habitat and erosion issues in the Long Valley Area.*

*The Planning Commission was provided substantial evidence in the form of biological reports, soils maps, aerial photographs, and opinions from biological experts (Pat Regan), all clearly identifying the areas of the property containing both ESHA (Maritime Chaparral) and highly erodible soils (Arnold Sandy Loam), and all showing how the proposed Lot Line Adjustment avoided and protected these resources while clustering development in other areas.*

**Response:**

See response to 1(a) above.

**Contention 2 – The Decision is Contrary to Law.**

*The Subdivision Map Act and Title 19 of Monterey County Code provide a three-part test for the approval of lot line adjustments:*

- *Is the proposed lot line adjustment among four or fewer parcels?*
- *Will any additional lots be created as a result of the lot line adjustment?*
- *Do the lots conform to the general plan (in this case the North County Land Use Plan), zoning and building codes?*

*The appellant contends that the proposed project is consistent and complies with each step of the test in the following way(s):*

- *The proposed lot line adjustment involves three (3) existing lots of record, which is below the threshold of four or fewer parcels.*
- *The proposed lot line adjustment results in three reconfigured lots. No new lots are created.*
- *The proposed lots are consistent with and carry out the intent and direction of the North County Land Use Plan and meet the purpose and intent of Title 20.*

*The appellant further contends that in the Planning Department's written recommendation to the Planning Commission, Staff found that the proposed Lot Line Adjustment was consistent with zoning, the North County Land Use Plan and 1982 General Plan.*

**Response:**

The appellant is correct that the proposed lot line adjustment involves three existing legal lots of record (less than four) and will result in three reconfigured parcels and will not create any new lots. See Finding 2, Evidence (a) through (d) above.

See response to 1(a) above for information regarding Staff's recommendation to the Planning Commission and the Planning Commission decision.. The Board agrees that the findings for a Lot Line Adjustment can be made in this case.

**DECISION**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors does hereby:

1. Grant the appeal by Johannes and Kristi Van Greunen from the Planning Commission's decision denying the application by Johannes and Kristi Van Greunen for a Coastal Development Permit for a Lot Line Adjustment; and
2. Find the project Categorically Exempt per Section 15305(a);
3. Approve a Coastal Development Permit for a Lot Line Adjustment between three existing conforming parcels of 13.5 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres, in substantial conformance with the sketch and subject to the conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of May, 2017 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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 \_\_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

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

By \_\_\_\_\_  
Deputy

# Monterey County RMA Planning

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

PLN150489

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit (PLN150489) allows a Lot Line Adjustment between three existing conforming parcels (13.5 acres [Parcel C], 7.4 acres [Parcel A], and 19.1 acres [Parcel B]) resulting in three reconfigured lots of 2.9 acres (Lot 1), 3.6 acres (Lot 2), and 33.5 acres (Lot 3). The property is located at 6820 Long Valley Road, Royal Oaks (Assessor's Parcel Numbers 129-201-052-000 and 129-201-006-000), North County Coastal Land Use 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 Coastal Development Permit for Lot Line Adjustment (Resolution Number \*\*\*) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Numbers 129-201-052-000 and 129-201-006-000 on May 16, 2017. The permit was granted subject to 10 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 any Certificates of Compliance. (RMA - Planning)

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

### 3. 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.

**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.

### 4. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on May 16, 2020 unless recordation of the new Certificates of Compliance for each new lot has occurred. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall record new certificates of compliance, the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

### 5. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (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 of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

**6. PDSP01 - EASEMENT - CONSERVATION AND SCENIC (SLOPES, CHAPARRAL, RIDGELINE, ERODIBLE SOILS) (NON-STANDARD)**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A conservation and scenic easement shall be conveyed to the County over those portions of the property where any of 4 criteria apply:  
1) the slope exceeds 25% percent.; and/or  
2) Maritime Chaparral habitat and potential habitat is located (full extent to be determined by a certified Ecologist/Biologist); and/or  
3) Arnold Sandy Loam (erodible soil) is located and mapped; and /or  
4) the ridgelines are visible from public roadways (see Map located at Attachment B of the May 16, 2017 Board of Supervisors Staff report).

The easement shall be developed in consultation with appropriate certified professionals. A conservation and scenic easement deed shall be submitted to, and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recording the any certificate of compliance. (RMA – Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of any certificate of compliance, the Owner/Applicant shall submit the conservation and scenic easement deed and corresponding map, showing the exact locations of all protected areas, along with metes and bound description(s) developed in consultation with appropriate certified professional, to the Director of RMA-Planning for review and approval.

Prior to recordation of the Certificates of Compliance the owner/applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the Director of RMA-Planning.

**7. PDSP02 - "B-6" ZONING OVERLAY**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to recordation of the Certificate of Compliance, the Owner/Applicant shall ensure that a "B-6" Zoning Overlay is added to the reconfigured 33.6 acre parcel (Parcel 3). An application for the required zoning change/overlay shall be made, along with applicable fees, to the RMA-Planning Department.

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Certificate of Compliance for any new lot configuration, the Owner/Applicant shall apply for and receive approval through Board of Supervisors adoption for a zoning change/overlay, adding a "B-6" Zoning Overlay to the reconfigured 33.6 acre parcel (Parcel 3).

**8. PDSP003 - "18 FOOT HEIGHT RESTRICTION" (NON-STANDARD)**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to recordation of the Certificate of Compliance, the Owner/Applicant shall ensure that a "18 foot height limit" Zoning Overlay is added to each of the newly reconfigured parcels. This condition can be combined with the requirements found in Condition 7. An application for the required zoning change/overlay shall be made, along with applicable fees, to the RMA-Planning Department.

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Certificate of Compliance for any new lot configuration, the Owner/Applicant shall apply for and receive approval through Board of Supervisors adoption for a zoning change/overlay, adding a "18 foot height restriction" Zoning Overlay to the each of the newly reconfigured parcels.

## 9. PDSP004 - DEED RESTRICTION - DENSITY OF DEVELOPMENT (NON-STANDARD)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to or concurrent with recordation of Certificates of Compliance (COC) for each newly configured parcel, the applicant shall record a deed restriction stating:  
"The reconfigured 33.6 acre parcel (Parcel 3) shall be limited to the construction of one single family dwelling (SFD) and one potential Accessory Dwelling Unit (ADU), to be in keeping with the density of development requirement of the prior land configuration."  
(RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to or concurrent with the recordation of the Certificates of Compliance (COCs) for Parcel 3, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning for review and signature by the County, and subsequently submit proof of the recordation of the document to RMA-Planning.

## 10. CC01 INDEMNIFICATION AGREEMENT

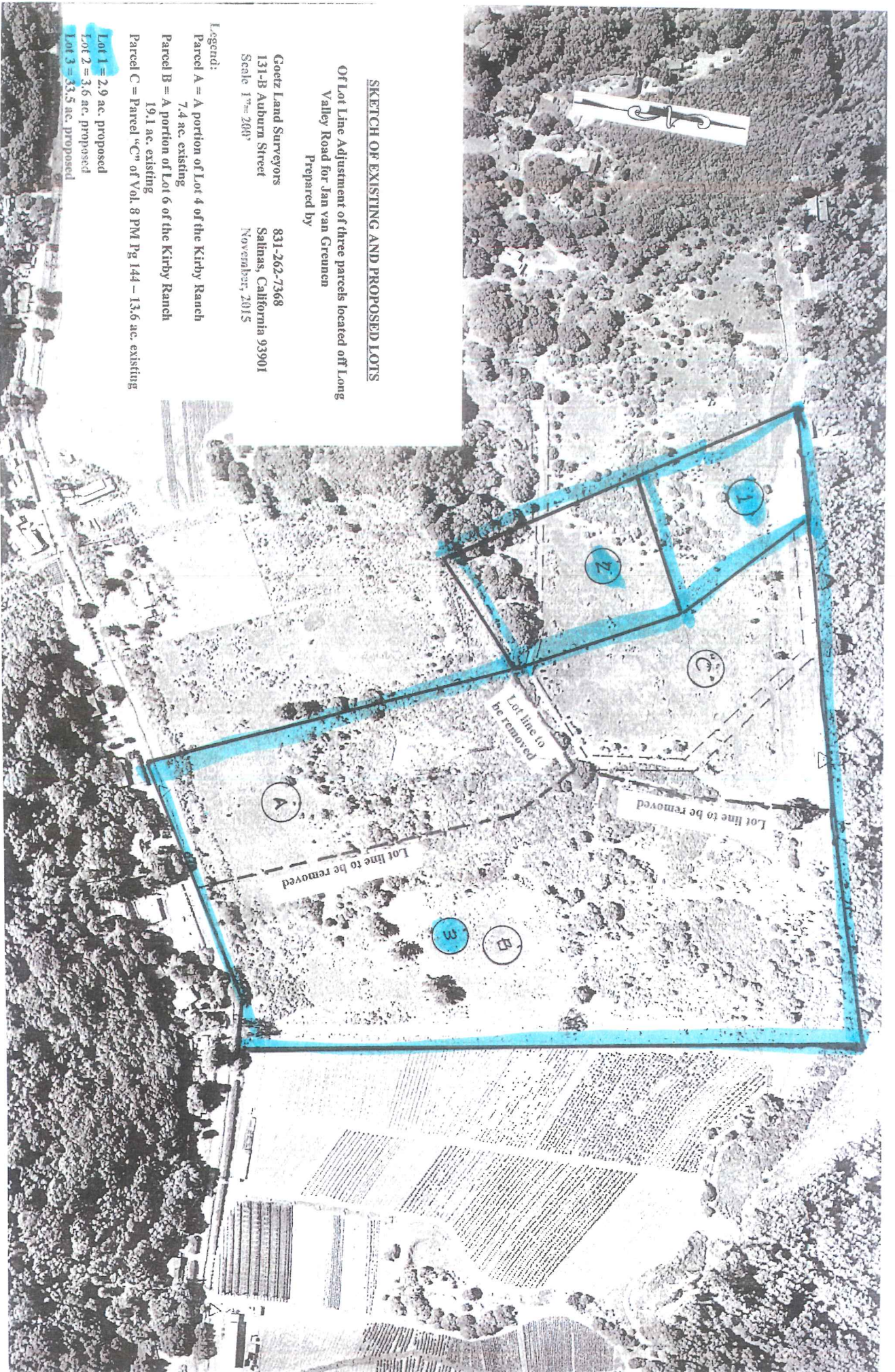
**Responsible Department:** County Counsel

**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. (County Counsel)

**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, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

*Proposed*



**SKETCH OF EXISTING AND PROPOSED LOTS**

Of Lot Line Adjustment of three parcels located off Long Valley Road for Jan van Greunen

Prepared by

Goetz Land Surveyors      831-262-7368  
131-B Auburn Street      Salinas, California 93901  
Scale 1"= 200'      November, 2015

**Legend:**

- Parcel A = A portion of Lot 4 of the Kirby Ranch  
7.4 ac. existing
- Parcel B = A portion of Lot 6 of the Kirby Ranch  
19.1 ac. existing
- Parcel C = Parcel "C" of Vol. 8 PM Pg. 144 - 13.6 ac. existing
- Lot 1 = 2.9 ac. proposed
- Lot 2 = 3.6 ac. proposed
- Lot 3 = 33.5 ac. proposed