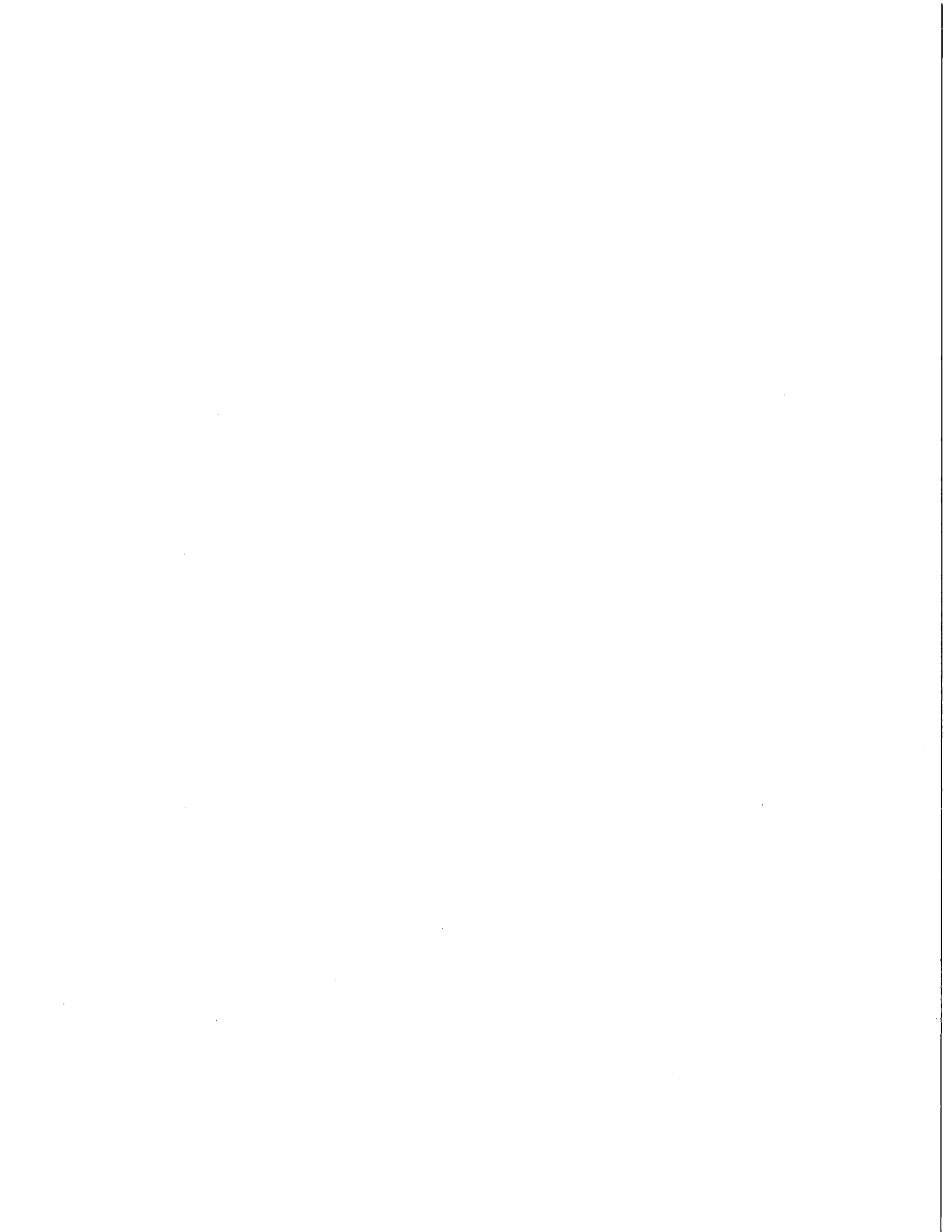


Attachment B  
Draft Board Resolution  
And Conditions of approval/  
Implementation Plan/  
Mitigation Monitoring Report Plan

PLN120829



ATTACHMENT B  
DRAFT BOARD RESOLUTION

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

**Resolution No.**

- a. Approve a Lot Line Adjustment between )  
three (3) legal lots of record under Land )  
Conservation Contract No. 76-4, )  
established by County Resolution No. 76- )  
45-4 with no net decrease in acreage under )  
Williamson Act Contract; )
- b. Authorize the Chair to execute a new or )  
amended Land Conservation Contract or )  
Contracts in order to rescind a portion of )  
the existing Land Conservation Contract as )  
it applies to the reconfigured lots only and )  
simultaneously execute new or amended )  
Land Conservation Contract or Contracts )  
for the reconfigured lots between the )  
County and Lance and Christina Batistich )  
reflecting the new legal descriptions, )  
current ownership interests and to )  
incorporate any legislative changes to State )  
Williamson Act provisions and current )  
County Agricultural Policies or procedures; )  
and )
- c. Direct the Clerk of the Board to cause the )  
new or amended Contract or Contracts to be )  
filed with the Recorder on payment of fees )  
to the Recorder concurrently with the )  
recordation of the Certificates of )  
Compliance for the reconfigured parcels. )  
(PLN120829/Lance and Christina Batistich, )  
32800 Johnson Canyon Rd, Gonzales, Central )  
Salinas Valley) )

**RECITALS**

WHEREAS, an application was submitted for a Lot Line Adjustment between three (3) legal lots of record involving Assessor's Parcel Numbers 416-481-020-000, 416-481-021-000, and 416-481-026-000, owned by Lance and Christina Batistich. The legality of the three (3) subject parcels is based on Certificates of Compliance file No. 90004 and USA Patents Vol. E Pages 27 and 28.

WHEREAS, the lots are subject to Land Conservation Contract No. 76-4 (Williamson Act Agricultural Preserve) and will be reconfigured. They will remain under Land Conservation Act Contract. The Lot Line Adjustment will result in three (3) reconfigured separate lots totaling

approximately 318 acres and will allow the continued utilization of the land by the property owners for commercial agricultural production; and

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of the property is consistent with policies of the Monterey County General Plan, the Central Salinas Valley Area Plan, regulations in the Zoning Ordinance (Title 21 of the Monterey County Code) and the Subdivision Ordinance (Title 19 of the Monterey County Code), and Section 51257 of the California Government Code (Williamson Act), and Land Conservation Contract No. 76-4 as evidenced below:

## **FINDINGS AND EVIDENCE FOR APPROVAL OF LOT LINE ADJUSTMENT**

**1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 (Lot Line Adjustment between three (3) lots of approximately 158 acres (Parcel A), 80 acres (Parcel B), and 80 acres (Parcel C). The reconfiguration of Parcels A, B and C will result in three (3) lots of approximately 140 acres (Parcel 1), 77.8 acres (Parcel 2), and 100.2 acres (Parcel 3), respectively. All parcels (existing and proposed) are located within the boundaries of Williamson Act Agricultural Preserve Land Conservation Contract No. 76-4. The properties are located off of Johnson Canyon Road, Gonzales (Assessor's Parcel Numbers 416-481-020-000, 416-481-021-000, and 416-481-026-000), Central Salinas Valley Area Plan, and as conditioned, conform to the policies, requirements, and standards of the Monterey County General Plan, Central Salinas Valley Area Plan, the Monterey County Zoning Ordinance (Title 21), the Monterey County Subdivision Ordinance (Title 19 - Inland Subdivision Ordinance), and Section 51257 of the California Government Code (Williamson Act).

**EVIDENCE:**

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of this application. No conflicts between these documents and this application were found to exist. No communications were received during the course of review of the project indicating any project inconsistencies with the text, policies, and regulations in these documents.
- (b) The subject lots are off of Johnson Canyon Road, Gonzales, approximately 5 miles northeast from the incorporated community of Gonzales, Central Salinas Valley Area Plan. The subject Assessor's Parcels (416-481-020-000, 416-481-021-000, and 416-481-026-000) total approximately 318 acres. The parcels are zoned PG/40, or "Permanent Grazing/40 acre minimum," and "F/40, or "Farmlands/40 acre minimum." These zoning designations allow for Lot Line Adjustments. The resulting lots from this Lot Line Adjustment meet the minimum building site of 40 acres pursuant to the zoning designations. The existing structures located on proposed "Parcel 1" (a single family dwelling and minor accessory structure) will continue to meet minimum setback requirements pursuant to Monterey County Inland Zoning Code – Title 21. Therefore, the project is an allowed land use for this site.
- (c) General Plan Policy LU-1.16 states:  
Lot Line Adjustments between or among lots that do not conform to minimum parcel size standards may be allowed if the resultant

lots are consistent with all other General Plan policies, zoning and building ordinances and the Lot Line Adjustment would:

- a. accommodate legally constructed improvements which extend over a property line; or
- b. facilitate the relocation of existing utilities, infrastructure, or public utility easements; or
- c. resolve a boundary issue between or among affected owners; or
- d. produce a superior parcel configuration; or
- e. reduce the non-conformity of existing legal lots of record; or
- f. promote resource conservation, including open space and critical viewshed protection, without triggering eminent domain; or
- g. better achieve the goals, policies and objectives of the General Plan; or
- h. facilitate Routine and Ongoing Agricultural activities.

The proposed Lot Line Adjustment is consistent with LU-1.16.

Specifically, the Adjustment will produce superior parcel configurations for the purpose of ongoing agricultural activities (LU-1.16d.), and will result in three (3) lots which meet the minimum parcel size requirement under their respective zoning. The General Plan designations for the subject lots are "Permanent Grazing 40 acre minimum" and "Farmlands 40 acre minimum."

- (d) The Lot Line Adjustment application was not referred to the Agricultural Advisory Committee for review as no significant issues were identified by staff of RMA-Planning or by the Agricultural Commissioner's Office. No conditions were recommended by the Agricultural Commissioner's Office.
- (e) The application plans, and related support materials found in Planning File No. PLN120829.

**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, Cal-Fire (South County), Public Works Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - (b) Staff conducted a site inspection on May 20, 2013 to verify that the site is suitable for this use.
  - (c) The application plans, and related support materials found in Planning File No. PLN120829.

**3. FINDING: LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code state 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 conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

**EVIDENCE:**

- (a) The three (3) parcels have been determined to be legal lots as follows: Parcel "A", containing approximately 158 acres, was recognized as a legal lot by Monterey County pursuant to Certificate of Compliance No. CC090004, Document No. 11206 on file with the County Recorder; Parcel "B", containing approximately 80 acres, was conveyed by a U.S. Patent, as reflected in Patents Book E, at Page 28 on file with the Monterey County Recorder; and Parcel "C", containing approximately 80 acres, was conveyed by a US Patent, as reflected in Patents Book E, at Page 27 on file with the Monterey County Recorder.
- (b) The lot line adjustment is between more than one (1) and less than four (4) existing and adjoining parcels. The project area contains 318 acres: 158 acres (Parcel A), 80 acres (Parcel B), and 80 acres (Parcel C). The lot line adjustment will reconfigure Parcels A, B and C into three (3) lots of approximately 140 acres (Parcel 1), 77.8 acres (Parcel 2), and 100.2 acres (Parcel 3), respectively.
- (c) The lot line adjustment will not create a greater number of parcels than originally existed. Three (3) existing contiguous lots of record will be adjusted, resulting in three (3) lots. No new lots will be created.
- (d) Pursuant to Government Code 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19.09.025.B.1) the lot line adjustment is between more than one (1) and less than four (4) existing and adjacent parcels. The subject lot line adjustment will adjust the boundaries of four (4) parcels.
- (e) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property (see Finding 5). The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject property is in compliance with all of the rules and regulations pertaining to the use of the property.
- (f) The proposed Lot Line Adjustment is consistent with Title 21, the Monterey County Zoning Ordinance. The parcels conform to the zoning in place for each property. The parcels are zoned PG/40 or "Permanent Grazing 40 acre minimum" and F/40 or "Farmlands, 40 acre minimum." All three (3) parcels involved in the subject lot line adjustment will conform to the minimum parcel size.
- (g) Access to each new parcel exists from Johnson Canyon Road.
- (h) 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.
- (i) Staff conducted a site inspection on May 20, 2013 to verify that the project would not conflict with zoning or building ordinances.
- (j) The application plans, and related support materials found in Planning File No. PLN120829.

4. **FINDING: CEQA (Exempt)** - The project is categorically exempt from environmental review.

- EVIDENCE:** (a) Section 15305(a) of the CEQA Guidelines categorically exempts minor lot line adjustments, side yard, and set back variances in areas with an average natural slope of less than 20% not resulting in the creation of any new parcel.
- (b) Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves, the making and renewing of Open Space Contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.
- (c) Based on a review of the project plans, approval of the project would not result in any potentially adverse impacts. No additional development is proposed with this project.
- (d) No adverse environmental effects were identified during staff review of the development application during a site visit on May 20, 2013.
- (e) Exceptions to exemptions listed in Section 15300.2 a-f are inapplicable. The project does not involve: alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
- (f) See Findings 2, 3, 5, and 6 and associated evidence.
- (g) The application plans, and related support materials found in Planning File No. PLN120829.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's Zoning Ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:** (a) Staff has reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
- (b) Staff conducted a site inspection on May 20, 2013 and researched County records to assess if any violation exists on the subject property.
- (c) There are no known violations on the subject property.
- (d) The application plans, and related support materials found in Planning File No. PLN120829.

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

- EVIDENCE:** (a) The project was reviewed by RMA-Planning, South County Fire Protection District, RMA-Public Works, Environmental Health Bureau, and Water Resources Agency. Only RMA-Planning has recommended conditions to ensure that the project will not have an adverse affect on the

health, safety, and welfare of persons either residing or working in the neighborhood.

- (b) Necessary public facilities are available. Water will continue to be provided to the existing residence on Parcel 1. The project was reviewed by the Environmental Health Bureau and there was no indication that there were any issues with the lot line adjustment.
- (c) Staff conducted a site inspection on May 20, 2013 to verify that the site is suitable for this use.
- (d) The application plans, and related support materials found in Planning File No. PLN120829.

WHEREAS, Section 51257 of the California Government Code requires that certain findings be made by the Board of Supervisors to facilitate Lot Line Adjustments of land under Williamson Act Contract; and

WHEREAS, the Board of Supervisors further finds that the request for a Lot Line Adjustment is consistent with California Government Code Section 51257 (Williamson Act). Specifically, the Board finds and declares that:

**FINDINGS AND EVIDENCE TO ALLOW THE LOT LINE ADJUSTMENT OF PROPERTY FOR LANDS IN WILLIAMSON ACT**

7. **FINDING: WILLIAMSON ACT – CONTRACTS** – Pursuant to California Government Code Section 51257(a)(1), the new or amended Contract or Contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded Contract or Contracts, but for not less than 10 years.

**EVIDENCE:** (a) The proposed revision to Land Conservation Contract No. 76-4, applicable to the three (3) reconfigured lots, will reflect the redistribution of acreage of land under Williamson Act Contract as illustrated in the Table below. There will be no change to the exterior boundaries of Contract 76-4.

Redistribution of Acreage (Approximate)

	EXISTING ACREAGE	PROPOSED ACREAGE	NET ADJUSTMENT
PARCEL "A/1"	158	140	<18> acres
PARCEL "B/2"	80	77.8	<2.2> acres
PARCEL "C/3"	80	100.2	20.2 acres

- (b) The term of the original Land Conservation Contract renews annually on each succeeding January 1. The new or amended Contract or Contracts for the reconfigured parcels propose an initial term of 20 years which will also renew annually on each succeeding January 1.



8. **FINDING: WILLIAMSON ACT – NO NET ACREAGE DECREASE** - Pursuant to California Government Code Section 51257(a)(2), there is no net decrease in the amount of the acreage restricted.
- EVIDENCE:** (a) The Lot Line Adjustment will reconfigure the lots but will not result in a change in Contract boundaries or a net loss of acreage currently under the Contract. Land Conservation Contract No. 76-4 contains a total of approximately 318 acres. None of the property will be removed from the Contract and no change in agricultural use of the land is proposed.
- (b) The application, plans, and related support materials found in Planning File No. PLN120829.
9. **FINDING: WILLIAMSON ACT – NEW CONTRACTS** - Pursuant to California Government Code Section 51257(a)(3), at least 90 percent of the land under the former Contract or Contracts remains under the new or amended Contract or Contracts.
- EVIDENCE:** (a) The proposed new or amended Contract will continue to cover all of the acreage under the original Land Conservation Contract No. 76-4. No decrease in acreage under Contract will result.
- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN120829.
10. **FINDING: WILLIAMSON ACT – SUSTAIN AGRICULTURAL USE** - Pursuant to California Government Code Section 51257(a)(4), after the Lot Line Adjustment, the parcels of land subject to Contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- EVIDENCE:** (a) Pursuant to Section 51222 of the California Government Code (Williamson Act), “agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.”
- (b) County of Monterey Board of Supervisors Resolution No. 01-485 requires that agricultural preserves will not be considered unless the group of contiguous parcels included in the preserve contains 100 or more acres, or 40 or more acres if the Board finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area. The subject Lot Line Adjustment and Merger will retain the entirety of its 318 acres within the agricultural preserve.
- (c) The application plans, and related support materials found in Planning File No. PLN120829.
11. **FINDING: WILLIAMSON ACT – LONG-TERM AGRICULTURAL PRODUCTIVITY** - Pursuant to California Government Code Section 51257(a)(5), the Lot Line Adjustment and Merger would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a Contract or Contracts.
- EVIDENCE:** (a) The intent of the Lot Line Adjustment is for the purpose of creating more functional lots, for estate planning purposes, and to combine the residence and well onto a single lot.

- (b) No new development is proposed for the three (3) resultant lots, which will continue to be used for agricultural purposes.
- (c) The application plans, and related support materials found in Planning File No. PLN120829.

**12. FINDING: WILLIAMSON ACT – ADJACENT AGRICULTURAL LAND USE -**  
Pursuant to California Government Code Section 51257(a)(6), the Lot Line Adjustment and Merger is not likely to result in the removal of adjacent land from agricultural use.

**EVIDENCE:** (a) The Lot Line Adjustment and Merger will not affect current agricultural operations on the subject properties and on adjacent properties. No physical development is proposed. The adjustment would not allow any uses that could not also occur under the current lot configurations.

- (b) The application and plans for a Lot Line Adjustment and Merger found in Planning File No. PLN120829.

**13. FINDING: WILLIAMSON ACT – NO NEW DEVELOPABLE PARCELS -**  
Pursuant to California Government Code Section 51257(a) (7), the Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment.

**EVIDENCE:** (a) The three (3) reconfigured lots do not result in a greater number of developable lots than existed prior to the adjustment. See Finding 3.

- (b) The application, plans, and related support materials found in Planning File No. PLN120829.

**NOW, THEREFORE, BE IT RESOLVED THAT** in order to facilitate the Lot Line Adjustment of Agricultural Preserve lands, the Board rescinds a portion of the existing Land Conservation Act Contract No. 76-4, as applicable to the reconfigured lots, and authorizes the Chair to simultaneously execute a new or amended Land Conservation Contract or Contracts which shall be applicable to the reconfigured parcels, consistent with Section 51257 of the State of California Government Code (Williamson Act), pending receipt of new legal descriptions for the proposed reconfigured lots and the execution of the new or amended Contract or Contracts by the property owners;

**IT IS FURTHER RESOLVED** that, consistent with Government Code Section 51257, the Board authorizes the Chair to sign a new or amended Land Conservation Contract or Contracts to simultaneously rescind a portion of the existing Land Conservation Contract No. 76-4 as applicable to the reconfigured parcels only, and to execute a new or amended Land Conservation Contract or Contracts, which shall be applicable to the reconfigured lots;

**IT IS FURTHER RESOLVED** that the new or amended Land Conservation Contract shall reflect current ownership interests for the reconfigured parcels and shall incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures, and the Chair of the Board is authorized to sign the new or amended Land Conservation Contract or Contracts with the property owners;

**IT IS FURTHER RESOLVED** that the Clerk of the Board is directed to cause the new or amended Contract or Contracts to be filed with the County Recorder upon payment of recording fees by the property owner to the Recorder concurrently with the recordation of the Certificates

of Compliance for the reconfigured parcels, completion of the legal description or descriptions by the property owner, and execution by the Chair of the Board; and

**IT IS FURTHER RESOLVED** that the Board of Supervisors does hereby approve said Lot Line Adjustment subject to the attached conditions and Lot Line Adjustment Map which are incorporated by reference.

**DECISION**

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

- a. Approve a Lot Line Adjustment between three (3) legal lots of record under Land Conservation Contract No. 76-4, established by County Resolution No. 76-45-4 with no net decrease in acreage under Williamson Act Contract; and
- b. Authorize the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as it applies to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and Lance and Christina Batistich reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Policies or procedures; and
- c. Direct the Clerk of the Board to cause the new or amended Contract or Contracts to be filed with the Recorder on payment of fees to the Recorder concurrently with the recordation of the Certificates of Compliance for the reconfigured parcels.

**PASSED AND ADOPTED** upon motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and carried on this 25<sup>th</sup> day of March, 2014, by the following vote, to-wit:

AYES:

NOES:

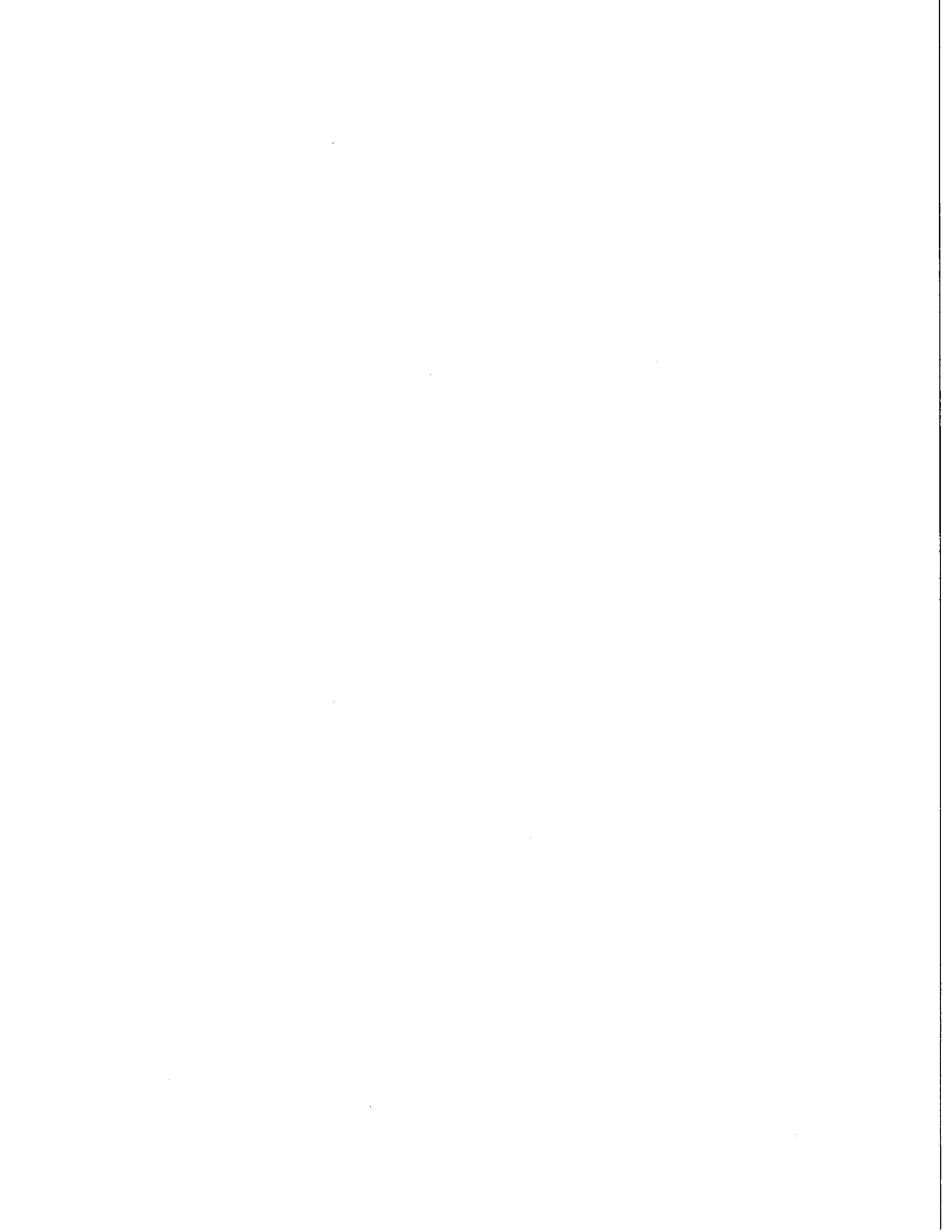
ABSENT:

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 Planning Department

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

PLN120829

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Lot Line Adjustment between three (3) lots of approximately 158 acres (Parcel A), 80 acres (Parcel B), and 80 acres (Parcel C). The reconfiguration of Parcels A, B and C will result in three (3) lots of approximately 140 acres (Parcel 1), 77.8 acres (Parcel 2) and 100.2 acres (Parcel 3), respectively. All Parcels affected by the Lot Line Adjustment (existing and proposed) are within the boundaries of (Williamson Act) Agricultural Preserve Contract No. 76-4, and will be amended to reflect the new legal descriptions. Said Lot Line Adjustment was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

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

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Lot Line Adjustment between three (3) lots of approximately 158 acres (Parcel A), 80 acres (Parcel B), and 80 acres (Parcel C) (Resolution Number 14-\*\*\* ) was approved by Board of Supervisors for Assessor's Parcel Numbers 416-481-020-000, 416-481-021-000, and 416-481-026-000 on March 25, 2014. The permit was granted subject to six (6) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.

(RMA - Planning Department)

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

## 3. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

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

(RMA - Planning Department)

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

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

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

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of two (2) years, to expire on March 25, 2014 unless use of the property or actual construction has begun within this period. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall comply with all of the conditions of approval to 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:** Planning Department

**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.

#### 6. PD037 - WILLIAMSON ACT

**Responsible Department:** Planning Department

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

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

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