

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

In the matter of the application of:

**SOLOMONE ALEJANDRA M TR AND
LEATHERBERRY KRISTINE WADE (PLN240029)**

RESOLUTION NO. 25-011

Resolution by the County of Monterey Planning
Commission

- 1) Finding the project qualifies as a Class 5 Categorical Exemption pursuant to CEQA Guidelines section 15305 (a), and there are no exceptions pursuant to section 15300.2; and
- 2) Approve a Coastal Development Permit to allow a lot line adjustment between two legal lots of record consisting of Parcel A (APN: 009-312-011-000; 0.25 acres/10,929 square feet) and Parcel B (APN:009-312-012-000; 0.32 acres/13,741 square feet), resulting in two parcels containing 0.25 acres/ 11,069 square feet (Adjusted Parcel A) and 0.31 acres/13,601 square feet (Adjusted Parcel B).

[PLN240029, Alejandra M. Solomone and Kristine Wade Leatherberry, 26217 and 26219 Atherton Place, Carmel (Assessor's Parcel Numbers 009-312-011-000 and 009-312-012-000), Carmel Area Plan Use Plan, Coastal Zone]

The SOLOMONE ALEJANDRA M TR AND LEATHERBERRY KRISTINE WADE application (PLN240029) came on for public hearing before the County of Monterey Planning Commission on May 14, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1928 Monterey County General Plan;
 - Carmel Area Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 4;
 - Monterey County Zoning Ordinance (Title 20); and
 - 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) **Proposed Project.** Both parcels (Parcel A and Parcel B) are currently developed with a single-family dwelling. The purpose of the proposed Lot Line Adjustment (LLA) is to adjust the adjoining property line to align with an existing standing fence.
- c) **Allowed Use.** The properties are located at 26217 and 26219 Atherton Place, Carmel, in the Carmel Area Land Use Plan (Assessor's Parcel Numbers 009-312-011-000 and 009-312-012-000), Coastal Zone. The parcels are zoned Medium Density Residential, 2 units per acre density, with Design Control overlay (Coastal Zone) [MDR/2-D(CZ)], which allows lot line adjustments (LLA) with the granting of a Coastal Development Permit. Therefore, as proposed, the project involves an allowed land use for this site.
- d) The project planner conducted a site inspection on February 18, 2025, to verify that the project on the subject parcel conforms to the plans listed above.
- e) **Lot Legality.** Parcel A (0.25 acres, APN: 009-312-011-000) and Parcel B (0.32 acres, APN: 009-312-012-000) are both identified in their current configuration, and under separate ownership, on a Record of Survey as Lot A and B, Block 38 of the Hatton Fields subdivision, recorded in December 1957 (Volume X-1, Page 164). Therefore, the County recognizes both parcels as legal lots of record.
- f) **Subdivision Map Act Consistency.** Pursuant to section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustment due to the fact that the final outcome of the LLA is not more than four adjoining parcels, and a greater number of parcels than previously existed is not being created. See also Finding No. 7 and supporting evidence.
- g) **Review of Development Standards – Structural Coverage & Floor Area Ratio.** Pursuant to Title 20 section 20.12.060.E and 20.12.060.F, the maximum site coverage and floor area ratio in this MDR district are 35 percent and 45 percent, respectively. Development on Existing Parcels A and B is below the allowable coverage and floor area ratio. No development is proposed with implementation of this LLA. Therefore, the resulting parcels continue to conform to the maximum allowed site coverage and floor area ratio.
- h) **Review of Development Standards – Setbacks.** Pursuant to Title 20 section 20.12.060.C, the required main structure setbacks in this MDR district are 20 feet (front), 5 feet (sides), 10 feet (rear). Existing development on Existing Parcel A and Parcel B comply with the required setbacks and will continue to meet required setbacks with implementation of the proposed lot line adjustment.
- i) **Review of Development Standards- Minimum Lot Size & Density.** Pursuant to Title 20 section 20.12.060.B, the maximum development density shall not exceed the units/acre as shown for the specific "MDR" district as shown on the zoning map. The subject parcels are zoned MDR/2-D (CZ), which has a maximum gross density of 2 units per acre.

Existing Parcel A (0.25 acres) and existing Parcel B (0.32 acres) are both currently developed with single-family dwellings. As proposed, the project does not involve any new structural development. Maximum allowed development would remain the same for both parcels with implementation of this LLA, and the existing development will continue to conform to the maximum development density requirement. Any future permitting of additional residences or accessory structures would depend on other factors in addition to zoning (e.g., potable water credits and sewage disposal) and would require separate discretionary review.

- j) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because it involves a lot line adjustment in the Coastal Zone. On April 7, 2025, the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) reviewed the project and voted 4 to 0, in support of the project as proposed with no suggested changes.
- k) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240029.

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: HCD- Planning, Carmel Highlands Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, and Environmental Health Bureau. 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 identified no potential impacts to the environment. There are no physical or environmental constraints that would indicate that the site is not suitable for the use LLA.
- c) Staff conducted a site inspection on February 18, 2025, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project File PLN240029.

3. 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 HCD - Planning, Carmel Highlands Fire Protection District, HCD-Engineering Services, Environmental Health Bureau, and HCD-Environmental Services. The respective agencies have recommended conditions, where appropriate, to ensure that the

project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) Potable water will continue to be provided by the California American Water (MPWMD) for both Parcels A and B. Both properties are within the Carmel Area Wastewater District (CAWD) service area and will continue to be provided sewer service.
- c) Staff conducted a site inspection on February 18, 2025, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project File PLN240029.

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.

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

- b) Staff conducted a site inspection on February 18, 20205, and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN240029.

5. 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.

- b) The project includes a minor lot line adjustment between two legal lots of record: Parcel A (0.25 acres/10,929 square feet) and Parcel B (0.32 acres/13,741 square feet), resulting in two lots of record containing 0.25 acres/11,069 square feet [Adjusted Parcel A] and 0.31 acres/13,601 square feet [Adjusted Parcel B]. No new lots will be created by the lot line adjustment and therefore the project qualifies as a Class 5 Categorical Exemption.
- c) The lot line adjustment will not intensify the level of development allowed on the parcels, either individually or cumulatively. After the implementation of the proposed lot line adjustment, the adjusted/resulting parcels will continue to conform with regard to site coverage, floor area ratio, and setbacks. Therefore, the proposed development is consistent with CEQA Guidelines Section 15305(a) and Title 19 Section 19.09.005.C.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, nor development that would result in a cumulatively significant impact. Although the project would

allow development (Title 20 section 20.06.310.4.b, defines a lot line adjustment as development), the lot line adjustment will not intensify the level of development allowed on the parcels. There are no unusual circumstances associated with undertaking the project that would create the reasonable possibility that the project would have a significant effect on the environment.

- e) No adverse environmental effects were identified during staff review of the development application during a site visit on February 18, 2025.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240029.

6. FINDING: **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE: a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
b) Although the subject properties are shown in an area where the applicable Local Coastal Program requires public access (Figure 3, Public Access, Carmel Area Land Use Plan), no evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
c) County staff conducted a site inspection on February 18, 2025, to verify that the proposed project will not impact public access.
d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240029.

7. FINDING: **LOT LINE ADJUSTMENT**- Section 66412(d) of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance – Coastal) of the Monterey County Code (MCC) allow a lot line adjustment that meets the following standards:

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; and
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 parcels are zoned Medium Density Residential, 2 units per acre, with a Design Control overlay (Coastal Zone) [MDR/2-D (CZ)].
b) The lot line adjustment is between four or fewer existing adjoining parcels. The two existing legal lots of record have a total combined area of 0.56 acres. After the adjustment, there will be two lots of record containing 0.25 acres [Adjusted Parcel A] and 0.31 acres [Adjusted Parcel B].

- c) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted, resulting in two contiguous separate legal parcels of record. Therefore, no new parcels will be created.
- d) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). County 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 Nos. 1, 2, 3, and 4; and supporting evidence).
- e) The subject properties are zoned for residential purposes. Parcel A is currently developed with single family dwelling, which will remain on Adjusted Parcel A. Parcel B is also currently developed with single family dwelling, which will remain on Adjusted Parcel B. No changes in use are proposed. None of the property area is under Williamson Act contract or used for agricultural purposes.
- f) The proposed lot line adjustment does not interfere with existing access and/or utility easements, which will remain unchanged.
- g) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, execution and recordation of deeds reflecting the lot line adjustment as well as a Certificate of Compliance for each adjusted lot is required per incorporated standard conditions of approval (Condition Nos. 4 and 5; and supporting evidence).
- h) The project planner conducted a site inspection on February 18, 2025, to verify that the project will not conflict with zoning or building ordinances.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN240029.

8. FINDING: **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

EVIDENCE:

- a) Board of Supervisors. Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) Coastal Commission. Pursuant to Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

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

1. Find that the project qualifies as a Class 5 Categorical Exemption pursuant to CEQA Guidelines section 15305(a), and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel A (APN: 009-312-011-000 – 0.25 acres/10,929 square feet) and Parcel B (APN: 009-312-012-000 – 0.32 acres/13,741 square feet), resulting in two parcels containing 0.25 acres/11,069 square feet (Adjusted Parcel A) and 0.31 acres/13,601 square feet (Adjusted Parcel B).

PASSED AND ADOPTED this 14th day of May 2025 upon motion of Commissioner Diehl, seconded by Commissioner Shaw, by the following vote:

AYES: Mendoza, Gomez, Diehl, Gonzalez, Work, Monsalve, Shaw

NOES: None

ABSENT: Hartzell, Roberts, Getzelman

ABSTAIN: None

DocuSigned by:



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Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON MAY 22, 2025.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUNE 2, 2025.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

County of Monterey HCD Planning

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

PLN240029

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN240029) allows a Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 009-312-011-000;0.25 acres/10,929 square feet) and Parcel B (APN: 009-312-012-000 ;0.32 acres/13, 741 square feet), resulting in two parcels containing 0.25 acres/11,069 square feet (Adjusted Parcel A) and 0.31 acres/13,601 square feet (Adjusted Parcel B). The property is located at 26217 and 26219 Atherton Place, Carmel (Assessor's Parcel Number 009-312-011-000 and 009-312-012-000), Carmel Area 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 HCD - 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. (HCD - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Coastal Development Permit (Resolution Number 25-011) was approved by Planning Commission for Assessor's Parcel Number 009-312-011-000 and 009-312-012-000 on May 14, 2025. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN240029. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

5. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - 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 HCD -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. CC01 INDEMNIFICATION

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: Owner/Applicant 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 and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

(County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: This Indemnification Obligation binds Owner/Applicant from the date of approval of this discretionary development permit forward. Regardless, on written demand of the County County's Office, Owner/Applicant shall also execute and cause to be notarized an agreement to this effect. The County Counsel's Office shall send Owner/Applicant an indemnification agreement. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to the Office of the County Counsel for County's review and signature. Owner/Applicant shall then record such indemnification agreement with the County of Monterey Recorder's Office. Owner/Applicant shall be responsible for all costs required to comply with this paragraph including, but not limited to, notary costs and Recorder fees.

