

Attachment C-1
Recommended Conditions of Approval
(Matrix)

Harkins Road Limited Partnership
PLN090248

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN090248

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit consists of a Lot Line Adjustment of Williamson Act Lands to increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres owned by Silverado Monterey Vineyards LLC. Parcel B is within Williamson Act Agricultural Preserve No. 73-032 per Land Conservation Contract No. 73-032.A.1, (Assessor's Parcel Nos. 223-042-022-000 and 223-042-025-000). 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 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 (Resolution Number ***) was approved by Board of Supervisors for Assessor's Parcel Number 223-042-008-000, 223-042-025-000 and 223-042-022-000 on December 4, 2012. The permit was granted subject to five (5) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to or concurrent with the recordation of the required Certificates of Compliance, the issuance of grading and building permits or commencement of use, 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/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 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 final/parcel map, recordation 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. PD037 - WILLIAMSON ACT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into any 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 Department)

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

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 Department)

**Compliance or
Monitoring
Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall submit a survey map and legal descriptions for each newly configured parcel as prepared by the Surveyor. 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 survey map and legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.