

**Recording Required by: Monterey
County Planning Department**

When recorded return to:

Monterey County
Resource Management Agency,
Planning Department

Attn: Maira Blanco
168 W ALISAL ST, 2ND FLOOR
SALINAS CA 93901
(831) 755-5025

AQ Signed in Counterpart

Space above for Recorder's Use

DEED RESTRICTION
AGRICUTURAL SUBDIVISION: ACCESS
Condition No. 12

Property Owner's Name: Jacqueline Traynor, individually and as Successor Trustee of The 1986 Helen Aurignac Revocable Trust Under Declaration of Trust Dated September 23, 1986 (also known as Jacqueline Rose Traynor and Jacqueline R. Traynor); Leslie Ann Aurignac Cederquist (also known as Leslie A. Cederquist and Leslie A. Aurignac), Paulette A. Aurignac, Paul Albert Aurignac and Garrissere Ranch Company; Jeffrey Dennis Traynor; Michael Paul Traynor; Greg Michael Traynor

Project Name: Aurignac & Garrissere Ranch Co.
Permit (File) No.: PLN110015
Resolution No.: 13-003
Assessor's Parcel Number (s): 422-121-037-000, 422-121-039-000, 422-121-051-000, 422-231-001-000, 422-231-004-000, 422-231-005-000, 422-231-011-000, 422-231-012-000, 423-061-016-000, 423-061-017-000, 423-061-018-000, 423-061-019-000, 423-061-020-000, 423-081-001-000, 423-081-008-000, 423-081-027-000, 423-081-029-000, 423-081-030-000, 423-081-031-000, and 423-091-001-000.

Aurignac & Garrissere Ranch Co.
PLN110015
13-003

**DEED RESTRICTION
AGRICULTURAL SUBDIVISION: ACCESS
Condition No. 12**

I. WHEREAS, as of the date opposite the respective signatures below, Jacqueline Traynor, individually and as Successor Trustee of The 1986 Helen Aurignac Revocable Trust Under Declaration of Trust Dated September 23, 1986 (also known as Jacqueline Rose Traynor and Jacqueline R. Traynor), Leslie Ann Aurignac (also known as Leslie A. Cederquist and Leslie A. Aurignac), Paulette A. Aurignac, Paul Albert Aurignac, Garrissere Ranch Company, Jeffrey Dennis Traynor, Michael Paul Traynor, and Greg Michael Traynor (hereafter, "Owners"), are the owners of that certain real property as set forth in Exhibit "A" attached hereto and hereto and incorporated by this reference (hereafter, referred to as "Property,") and

II. WHEREAS, Monterey Resource Management Agency, Planning Department is acting on behalf of the People of Monterey County; and

III. WHEREAS, Owners applied to the County of Monterey (hereafter, the "County") for a minor subdivision tentative map to allow the reconfiguration of twenty (20) existing patents totaling 4,607 acres into twenty (20) legal lots totaling 4,607 acres, RMA – Planning Permit No. PLN110015 (hereafter, "Permit No. PLN110015"), on the Property; and

IV. WHEREAS, Permit No. PLN110015 was approved on May 9, 2013 by the Monterey County Minor Subdivision Committee in accordance with the Findings, Evidence and Conditions contained in Resolution No. 13-003 attached hereto as "Exhibit B," and incorporated by reference; and

V. WHEREAS, Permit No. PLN110015 was subject to the terms and conditions including, but not limited to Condition No. 12, "PDSP 001 (Part 2) – DEED RESTRICTION/MAP RECORDATION – AGRICULTURAL SUBDIVISION: ACCESS," which is contained in Exhibit "B"; and

VI. WHEREAS, it is intended that this Deed Restriction (sometimes referred to as "this instrument") is irrevocable and shall constitute enforceable restrictions; and

VII. WHEREAS, Owners have elected to comply with the condition imposed by Permit No. PLN110015 so as to enable Owners to undertake the development authorized by said permit; and

VIII. WHEREAS, Owners acknowledge that this Deed Restriction is being executed prior to the recordation of the Final Subdivision Map for Permit No. PLN110015, and as such the volume book and page number of the Official Record of the Monterey County Recorder-Clerk which will describe the real property in Exhibit A is currently unknown, but will be hand-written onto Exhibit A upon the recordation of said Final Map and concurrently with the recordation of this document and without further endorsement by Owners.

NOW, THEREFORE, in consideration of granting Permit No. PLN110015 to Owners by the County, the Owners hereby irrevocably covenant with the County that there be and hereby is created the following restriction on the use and enjoyment of said subject property, to be attached to and become a part of the deed to the property. The undersigned Owners, for himself/herself/itself/themselves and for his/her/its/their heirs, assigns, and successors in interest, covenant and agree to the following:

A. Agricultural Subdivision: Access

The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have access. Anyone interested in purchasing any parcel is warned that purchasing the parcel without access being provided will restrict or even preclude the ability to undertake development of the parcel.

B. Covenant Running with the Land

This Deed Restriction shall remain in full force and effect during the period that Permit No. PLN110015, or any modification or amendment thereof, remains effective, and during the period that the development is authorized by Permit No. PLN110015, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the Property described herein, and to that extent, said Deed Restriction is hereby deemed and agreed by Owners to be a covenant running with the land, and shall bind Owners and all his/her/its/their heirs, assigns and/or successors in interest and that the Property shall be held, occupied, sold and conveyed subject to the provisions of this Deed Restriction.

C. Applicable Law

The Property shall be subject to any and all applicable federal, state or local laws regulations, and ordinances, as they may be amended from time to time.

D. Enforcement

Owners understand and agree that the provisions of this Deed Restriction are declared to be specifically enforceable through this recorded instrument and through any and all applicable federal, state or local laws, regulations and ordinances, as may be amended from time to time.

E. Disclosure

Owners agree to disclose the contents of this Deed Restriction to any person or entity to which the Property herein described shall be conveyed.

F. Attorney Fees

In the event that it becomes necessary for the County to commence an action to enforce any of the Deed Restrictions and/or Conditions contained herein, the County shall be entitled to recover reasonable attorney fees and costs, as they be determined by the court, from the Property owner of record against whom such action is maintained. This provision shall be deemed to be accepted and agreed to by any person or entity to which the Property described herein shall be conveyed.

G. Hold Harmless and Indemnification

Owners agree as a condition and in consideration of the approval of this discretionary development permit that they 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. Owners will reimburse the County for any court costs and attorney 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 Owners/Applicants of his/her/its/their obligations under this condition. An agreement to this effect shall be recorded upon demand of the Office of the County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable.

The County shall promptly notify Owners 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 Owners of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the Owners shall not thereafter be responsible to defend, indemnify or hold the County harmless.

H. Incorporation of Recitals

The recitals to this Deed Restriction are hereby incorporated into this Instrument.

I. Civil Code Section 1654

Owners and the County understand and agree that neither party is to be deemed the party which prepared this Instrument within the meaning of Civil Code Section 1654.

J. Severability

If any provision of this Instrument is held to be invalid or becomes unenforceable for any reason, no other provision shall be thereby affected or impaired.

K. Recordation

Owners shall execute and record this Deed Restriction with the Monterey County Recorder's Office as soon as possible after the date of execution.

OWNERS

Jacqueline Traynor, individually and as Successor Trustee of The 1986 Helen Aurignac Revocable Trust Under Declaration of Trust Dated September 23, 1986 (also known as Jacqueline Rose Traynor and Jacqueline R. Traynor); Leslie Ann Aurignac Cederquist (also known as Leslie A. Cederquist and Leslie A. Aurignac), Paulette A. Aurignac, Paul Albert Aurignac and Garrissere Ranch Company; Jeffrey Dennis Traynor; Michael Paul Traynor; Greg Michael Traynor

Dated: March 14, 2017

Jacqueline Traynor

Jacqueline Traynor, individually and as Successor Trustee of The 1986 Helen Aurignac Revocable Trust Under Declaration of Trust Dated September 23, 1986, (also known as Jacqueline Rose Traynor and Jacqueline R. Traynor).

Dated: _____

Leslie Ann Aurignac Cederquist (also known as Leslie A. Cederquist and Leslie A. Aurignac)

H. Incorporation of Recitals

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I. Civil Code Section 1654

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Dated: _____

Jacqueline Traynor, individually and as Successor Trustee of The 1986 Helen Aurignac Revocable Trust Under Declaration of Trust Dated September 23, 1986, (also known as Jacqueline Rose Traynor and Jacqueline R. Traynor).

Leslie A. Aurignac
Leslie A. Cederquist
Leslie Ann Aurignac Cederquist

Dated: 3/20/17

Leslie Ann Aurignac Cederquist (also known as Leslie A. Cederquist and Leslie A. Aurignac)

70 AQ

Dated: _____

Paul Albert Aurignac

Dated: _____

Paulette A. Aurignac

Dated: _____

Jeffrey Dennis Traynor

Dated: MARCH 17, 2017

Michael Paul Traynor

Michael Paul Traynor

97
AQ

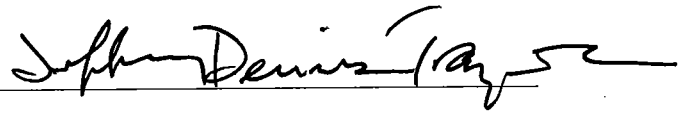
Dated: _____

Paul Albert Aurignac

Dated: _____

Paulette A. Aurignac

Dated: 3/20/2017



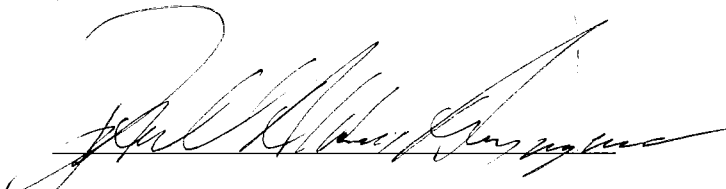
Jeffrey Dennis Traynor

Dated: _____

Michael Paul Traynor

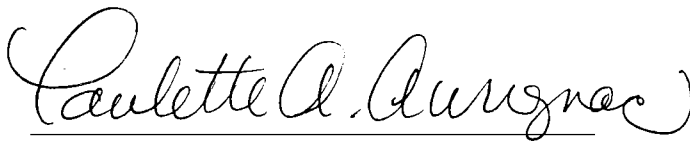
18
Ad

Dated: 3/20/2017



Paul Albert Aurignac

Dated: 3/20/2017



Paulette A. Aurignac

Dated: _____

Jeffrey Dennis Traynor

Dated: _____

Michael Paul Traynor

69
AQ

Dated: 3/9/17

Greg Michael Traynor

Greg Michael Traynor

Dated: March 14, 2017

Jacqueline Traynor, Partner

Garrissere Ranch Company

Ad

Jacqueline TRAYNOR

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

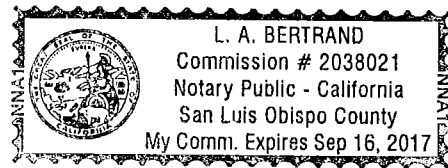
STATE OF CALIFORNIA)
COUNTY OF ~~MONTEREY~~ ^{AD} SAN LUIS OBISPO

On 3-20-17 before me, L.A. BERTRAND, a Notary Public, personally appeared PAULETTE A. AURIGNAC —, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *L.A. Bertrand*



(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On March 20, 17 before me, Christine J. Velarde, Notary Public, a Notary Public, personally appeared Leslie Ann Aurignac and Paul Albert Aurignac, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Christine J. Velarde*



(Seal)

8/11
AD

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

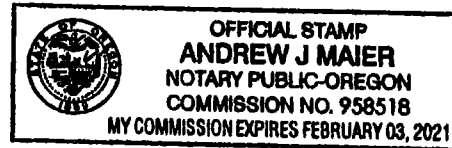
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF ~~CALIFORNIA~~^{OREGON} ~~AK~~
COUNTY OF ~~MONTEREY~~^{MULTNOMAH}

On 17th of March, 2017 before me, ANDREW J. MAIER, a Notary Public, personally appeared MICHAEL PAUL TRAYNOR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]

(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

§ 12
AK

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF ~~MONTEREY~~ CONTRA COSTA

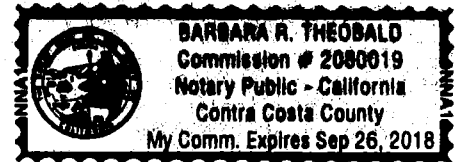
On March 20, 2017 before me, BARBARA R. THEOBALD, a Notary Public, personally appeared JEFFREY DENNIS TRAYNOR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Barbara R. Theobald



(Seal)

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STATE OF CALIFORNIA)

COUNTY OF MONTEREY)

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

#13
AQ

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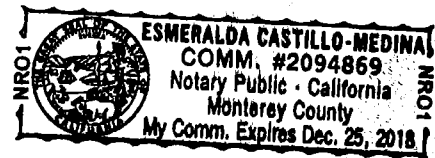
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On March 9, 2017 before me, Esmeralda Castillo-Medina, a Notary Public, personally appeared Greg Michael Traynor, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Esmeralda Castillo-Medina*



(Seal)

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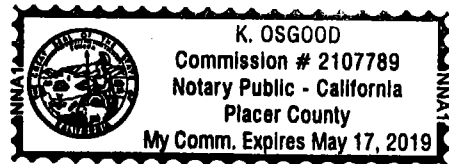
STATE OF CALIFORNIA) ^{KQ}
COUNTY OF ~~MONTEREY~~ PLACER

On 3-14-17 before me, K. Osgood, Notary Public, personally appeared JACQUELINE TRAYNOR - AKA JACQUELINE ROSE TRAYNOR AND JACQUELINE K. TRAYNOR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *K. Osgood*



(Seal)

§14
Ad

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MONTEREY) Placer AQ

On MARCH 14 2017 before me, K. OSGOOD, a Notary Public, personally appeared Jacqueline TRAVIVAR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Handwritten Signature]



(Seal)

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STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature _____

(Seal)

115
AQ

County of Monterey, RMA, Planning Department

By: _____

Dated: _____

County of Monterey, Resource Management Agency
Planning Department

Certification and Consent to Recordation

This is to certify that the Deed Restriction set forth above is hereby acknowledged pursuant to the action of the Monterey County Subdivision Committee, as set forth in Resolution No. 13-003 (Permit No. PLN110015) passed and adopted on May 9, 2013 and that said Deed Restriction is in accordance with Planning condition No. 12 of the Permit.

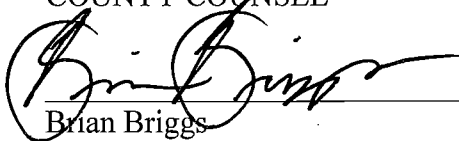
This is to certify that the Deed Restriction set forth above is hereby acknowledged by the Director of the Monterey County Resource Management Agency - Planning pursuant to the action of the **Board of Supervisors on April 18, 2017** and that Monterey County consents to its recordation thereof.

Dated: April 6, 2017




Carl P. Holm, Director
Monterey County RMA

APPROVED AS TO FORM:
COUNTY COUNSEL

 3-29-17

Brian Briggs
Deputy County Counsel

 3/29/17
Monterey County Resource Management Agency
Maira Blanco, Project Planner

1/16
AQ

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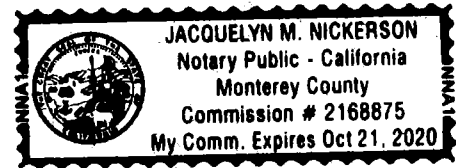
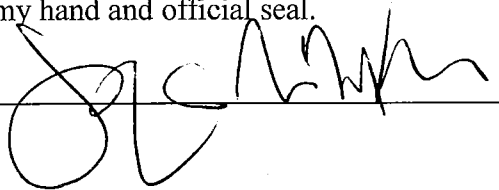
STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On April 10, 2017 before me, Jacquelyn M. Nickerson, a Notary Public, personally appeared Carl P. Holmy, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

417
AQ

EXHIBIT A

Legal Description
PARCELS 1 THROUGH 20
PLN110015

The land described below is situate in the County of Monterey, State of California, in an unincorporated area and is described as follows:

Parcels 1 through 20, as said parcels are shown on a Parcel map – PLN 110015 as filed in Book _____, Page _____, of Parcel Maps, in the office of the County Recorder, County of Monterey, State of California.

Exhibit A

Page 1 of 1 Pages

1/18
AQ

EXHIBIT B

RESOLUTION NO. 13-003 for PLN110015

1619
AQ

Exhibit B
Page 1 of 16 Pages

**Before the Minor Subdivision Committee in and for the
County of Monterey, State of California**

In the matter of the application of:

Aurignac & Cederquist (PLN110015)

RESOLUTION NO. 13-003

Resolution by the Monterey County Hearing Body:

- 1) Finding the project exempt from CEQA per CEQA Guidelines Section 15305 and 15061(b)(3); and
- 2) Approving a Minor Subdivision Tentative Map to subdivide twenty (20) existing patents totaling 4,607 acres into twenty (20) legal lots totaling 4,607 acres. Williamson Act contracts cover various portions of land within all 20 parcels. The property is located approximately 28 miles south of King City, east and dominantly west of Highway 101, accessed by County Road G19, South County Area Plan.

[PLN110015, Traynor Aurignac Trust & Leslie Cederquist, Highway 101 between Los Lobos Road and Jolon Road, South County Area Plan (APN: 422-121-037-000, 422-121-039-000, 422-121-051-000, 422-231-001-000, 422-231-004-000, 422-231-005-000, 422-231-011-000, 422-231-012-000, 423-061-016-000, 423-061-017-000, 423-061-018-000, 423-061-019-000, 423-061-020-000, 423-081-001-000, 423-081-008-000, 423-081-027-000, 423-081-029-000, 423-081-030-000, 423-081-031-000, 423-091-001-000)]

The Aurignac application (PLN110015) came on for public hearing before the Monterey County Minor Subdivision Committee on May 9, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee 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 2010 Monterey County General Plan;
 - South County Area Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19);
- No conflicts were found to exist.

Two letters were received on April 18, 2012 by property owners whose parcels are landlocked by the Aurignac and Cederquist land. They do not currently have access to their land and requested this issue be addressed as part of this subdivision application. The Applicants chose not to grant easements to these property owners as part of this subdivision application.

Exhibit B

- b) The property is located off Highway 101 between Los Lobos Road and Jolon Road (Assessor's Parcel Number 422-121-037-000, 422-121-039-000, 422-121-051-000, 422-231-001-000, 422-231-004-000, 422-231-005-000, 422-231-011-000, 422-231-012-000, 423-061-016-000, 423-061-017-000, 423-061-018-000, 423-061-019-000, 423-061-020-000, 423-081-001-000, 423-081-008-000, 423-081-027-000, 423-081-029-000, 423-081-030-000, 423-081-031-000, 423-091-001-000), South County Area Plan. The parcels are zoned "PG/40" [Permanent Grazing, 40 acres per unit] "F/40" [Farming, 40 acres per unit] "HI" [Heavy Industrial.] There is no proposed development in this application, only legalizing and reconfiguring existing patents. Therefore, the project is an allowed land use for this site.
- c) The proposed parcel sizes range from 40 acres to 694 acres in area which is consistent with the required minimum parcel size under the zoning and land use designations.
- d) The project planner conducted a site inspection on April 16, 2013 to verify that the project on the subject parcels conform to the plans listed above.
- e) The project was referred to the South County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the application involves a minor subdivision within the Williamson Act.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110015.

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, South County Fire Protection District, Parks, Public Works, 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) The minor subdivision is to implement the partition of the Aurignac Ranch. The applicant's intent is to continue to use the property for grazing purposes as the highest and best use of the property.
 - c) Staff conducted a site inspection on April 16, 2013 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 RMA - Planning Department for the proposed development found in Project File PLN110015.

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 the RMA - Planning Department, South County Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. 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) No public facilities are required as part of this subdivision. The project does not propose any physical changes or intensification of use. The Minor Subdivision would reconfigure existing parcels to allow for implementation of a partition of the ranch.
 - c) In the event that circumstances change and there is a desire to develop or sell any of the parcels, conditions of approval have been added by the Environmental Health Bureau to notify owners and future buyers that these parcels have not been tested to demonstrate the existence of a viable source of water or the capacity to support wastewater disposal through septic discharge.
 - d) Staff conducted a site inspection on April 16, 2013 to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110015.

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 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 April 16, 2013 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 the Monterey County Planning Department for the proposed development are found in Project File PLN110015.

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, side yard, and set back variances not resulting in the creation of any new parcel.
 - b) The proposed reconfiguration of the 20 existing parcels implements a court partition of the Aurignac Ranch. The partition will not result in

any change in use of the property. In the court's action partitioning this ranch the judge found that the varying landscape consists of canyons, steep terrain, high ridges and flat land and that the property's highest and best use is for cattle grazing which is the historical use of the site.

- c) The proposed reconfiguration of the parcels will not require any public improvements so there will be no physical change to the environment as a result of the subdivision.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on April 16, 2013.
- e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The proposed project has no cumulative or significant impacts, is not located in or near any sensitive environments, scenic highways, hazardous waste sites and does not involve any historical resources.
- f) CEQA Guidelines section 15061(b)(3) states: "*The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. When it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA.*" The fact that no physical changes will result from the proposed map gives certainty that there will not be a significant effect on the environment.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110015.

6. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:
- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
 - 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
 - 3. That the site is not physically suitable for the type of development.
 - 4. That the site is not physically suitable for the proposed density of development.
 - 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan and South County Area Plan, (see Finding 1).
 - b) Design. The lot design is consistent with the Lot Design Standards of

MCC Section 19.10.030. For simplicity the parcel configurations have attempted to follow existing section lines, fence lines, farm roads or other natural features in keeping with the intended use of the ranch for grazing. The existing patents are not provided with dedicated access to a public street. The reconfigured parcels are not proposed to have access, a condition has been added to the map to either provide access easements insuring access to each parcel, or to require a note on the map and a deed restriction notifying future owners that these parcels do not have adequate access which will restrict future development.

- c) Site Suitability. The site is suitable for the proposed project. The overall topography, characteristics and best use has been for cattle grazing. The project does not propose any physical changes or intensification of use.
- d) Environment. There are no physical improvements or intensification of existing use proposed. The subdivision design will not cause environmental damage to fish or wildlife habitat (see Finding 5).
- e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 3).
- f) Water Supply. MCC Section 19.10.070 requires provisions be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of water supply is adequate and potable. This project has been conditioned by the Environmental Health Bureau (Conditions 10 and 11) requiring the applicant to file a deed restriction and include a note on the final map notifying future owners that these parcels are not guaranteed to provide water of sufficient quality or quantity to meet state and local drinking water standards. This is appropriate in this particular case because no change in use from the existing grazing is envisioned, and the map is for purposes of reconfiguring parcels associated with a court ordered partition.
- g) Sewage Disposal. The proposed reconfiguration of these parcels does not include any increased use of the parcels whereby additional or improved septic disposal systems would be required. This project has been conditioned by the Environmental Health Bureau (Conditions 8 and 9) requiring the applicant to file a deed restriction and include a note on the final map notifying future owners that these parcels have not been tested and do not guarantee a viable site for an onsite wastewater disposal system.
- h) Easements. The subdivision or the type of improvements will not conflict with easements. All existing easements on the parcels will carry through to the final parcel map.
- i) Traffic. There are no physical improvements or intensification of use proposed in this project therefore it will not result in increased traffic.
- j) Affordable Housing. The proposed reconfiguration of 20 existing parcels will not result in the creation of additional parcels and is thus not subject to the Inclusionary Housing Ordinance (MCC 18.40.060.)
- k) Parks and Recreation. The proposed reconfiguration of 20 existing parcels will not result in the creation of additional parcels or

construction of new units and is thus not subject to dedication of land and/or payment of a fee to provide park and recreational facilities (MCC 19.12.010.)

- l) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110015.
- m) The project planner conducted a site inspection on April 16, 2013.

7. **FINDING:** **RESUBDIVISION OF LANDS UNDER WILLIAMSON ACT** – The proposed subdivision complies with Section 66474.4 of the Subdivision Map Act pertaining to lands under existing Williamson Act Contracts requiring denial of the proposed subdivision if the resulting parcels are too small to support the agricultural use or if the proposed subdivision would result in residential development not incidental to the commercial agricultural use of the property.

- EVIDENCE:**
- a) The land under the subdivision includes the subdivision of 20 parcels on 4,607 acres into 20 reconfigured parcels ranging in size from 40 acres to 694 acres. These parcel sizes are consistent with the minimum parcel sizes in the land use and zoning designations for the property and are considered viable for the grazing use of the property.
 - b) The parcels are large enough to support the grazing use on the property and this will not be an inducement to encourage residential development of the property. The lack of development infrastructure will serve to discourage any tendency to consider residential development on this property.
 - c) Each parcel under an existing contract will remain under the Williamson Act Contract. No land will be removed from the Williamson Act Program

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

- EVIDENCE:**
- a) Section 19.16.020 of the Monterey County Subdivision Ordinance states that the proposed project is appealable to the Board of Supervisors.


DECISION

NOW, THEREFORE, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

1. Find the project exempt from CEQA per CEQA Guidelines Section 15305 and 15061(b)(3); and
2. Approve a Minor Subdivision Tentative Map to subdivide twenty (20) existing patents totaling 4,607 acres into twenty (20) legal lots totaling 4,607 acres. Williamson Act contracts cover various portions of land within all 20 parcels (APNs: 422-121-037-000, 422-121-039-000, 422-121-051-000, 422-231-001-000, 422-231-004-000, 422-231-005-000, 422-231-011-000, 422-231-012-000, 423-061-016-000, 423-061-017-000, 423-061-018-000, 423-061-019-000, 423-061-020-000, 423-081-001-000, 423-081-008-000, 423-081-027-000, 423-081-029-000, 423-081-030-000, 423-081-031-000, 423-091-001-000 [accessed by County Road G19]), in general conformance with the attached tentative map and subject to the conditions; all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of May, 2013 upon motion of Laura Lawrence, seconded by Patrick Treffry by the following vote:

AYES: Moss, Lawrence, Treffry, Alinio
NOES: None
ABSENT: Trenner, Vandevere
ABSTAIN: None


Laura Lawrence, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON MAY 20 2013

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

MAY 30 2013

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

NOTES

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

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

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

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

Form Rev. 01-31-2013

Monterey County Planning Department
Condition of Approval Implementation Plan/Mitigation
Monitoring Reporting Plan

PLN110015

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit to allow a Minor Subdivision Tentative Map to reconfigure twenty (20) existing patents totaling 4,607 acres into twenty (20) legal lots totaling 4,607 acres 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 Minor Subdivision Tentative Map to allow the reconfiguration of twenty (20) existing patents totaling 4,607 acres into twenty (20) legal lots totaling 4,607 acres for PLN110015 was approved by the Subdivision Committee for Resolution Number 13-003, Assessor's Parcel Number: 422-121-037-000, 422-121-039-000, 422-121-051-000, 422-231-001-000, 422-231-004-000, 422-231-005-000, 422-231-011-000, 422-231-012-000, 423-061-016-000, 423-061-017-000, 423-061-018-000, 423-061-019-000, 423-061-020-000, 423-081-001-000, 423-081-008-000, 423-081-027-000, 423-081-029-000, 423-081-030-000, 423-081-031-000, 423-091-001-000 on May 9, 2013. The permit was granted subject to 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 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 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, 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, 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 2 years, to expire on May 9, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

5. PD037 - WILLIAMSON ACT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into any new contracts with the Board of Supervisors for the division of property under Williamson Act contract deemed necessary by County Counsel.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel and on an on-going basis, the Owner/Applicant shall submit new contracts to the RMA-Planning Department for review and approval by County Counsel and signature by the Board of Supervisors.

6. PW0036 - EXISTING EASEMENTS AND ROW

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights of way.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.

7. PW0031 - PARCEL MAP

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a parcel map delineating all existing and required easements or rights-of-way and monument new lines.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Parcel Map Owner/Applicant/Engineer Applicant's surveyor shall prepare Parcel Map submit to DPW for review and approval.

8. EHSP01 (PART 1 OF 2) - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISIONS: ONSITE WASTEWATER

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: 1. A note shall be placed on the parcel map in substantially the following form:
The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have a viable site for an onsite wastewater disposal system. No Soils or Percolation Report by a qualified Soils Engineer has been completed which demonstrates that the subject property meets state standards and local standards set forth in the Monterey County Code (MCC), Title 15, Chapter 15.20. At the time of the subdivision creating the subject parcels/lots, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that the subject parcels/lots created by this subdivision have an onsite wastewater site meeting all state standards and local standards set forth in MCC Chapter 15.20. The current property owners of record and all future buyers of the subject property are hereby further notified that no development will be permitted and no building permit will be issued for development on these parcels/lots until the owner(s) of a parcel/lot proposed for development demonstrates to the satisfaction of the County that the subject parcel/lot proposed for development has a suitable onsite wastewater site meeting all state standards and all local standards set forth in MCC Chapter 15.20. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, submit a draft of note to be placed on the parcel map for review and approval by the Environmental Health Bureau, the Public Works Department, and the Office of the County Counsel.

9. EHSP01 (PART 2 OF 2) - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISIONS: ONSITE WASTEW

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: 2. Concurrent with the recordation of the parcel map, the property owners of record shall record a Deed Restriction on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision. The provision is as follows:

The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have a viable site for an onsite wastewater disposal system. No Soils or Percolation Report by a qualified Soils Engineer has been completed which demonstrates that the subject property meets state standards and local standards set forth in the Monterey County Code (MCC), Title 15, Chapter 15.20. At the time of the subdivision creating the subject parcels/lots, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that the subject parcels/lots created by this subdivision have an onsite wastewater site meeting all state standards and local standards set forth in MCC Chapter 15.20. The current property owners of record and all future buyers of the subject property are hereby further notified that no development will be permitted and no building permit will be issued for development on these parcels/lots until the owner(s) of a parcel/lot proposed for development demonstrates to the satisfaction of the County that the subject parcel/lot proposed for development has a suitable onsite wastewater site meeting all state standards and all local standards set forth in MCC Chapter 15.20. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to the filing of the parcel map, execute a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel.

Concurrent with filing the parcel map, record the County approved Deed Restriction for all parcels/lots created by the subdivision and provide proof of recordation to the Environmental Health Bureau.

10. EHSP02 (PART 1 OF 2) - DEED RESTRICTION / MAP RECORDATION & AGRICULTURAL SUBDIVISIONS: WATER

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: 1. A note shall be placed on the parcel map in substantially the following form:
The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby notified that the parcels/lots created by this subdivision are not guaranteed to have water of sufficient quality or quantity to meet state standards and local drinking water standards set forth in the Monterey County Code (MCC) Title 15, Chapters 15.04 and 15.08, and MCC Title 19. At the time of the subdivision, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that each parcel/lot has water quality and quantity meeting state and local drinking water standards. The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby further notified that no development will be permitted and no building permit will be issued for development on any parcel/lot in this subdivision until the owner of that parcel/lot proposed for development demonstrates to the satisfaction of the County that the parcel/lot has a water source meeting all state and local drinking water quality and quantity standards, without treatment, as set forth in MCC Title 15, Chapters 15.04 and 15.08, and Title 19. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, submit a draft of the note to be placed on the parcel map for review and approval by the Environmental Health Bureau, Department of Public Works and the Office of the County Counsel.

11. EHSP02 (PART 2 OF 2) - DEED RESTRICTION / MAP RECORDATION & AGRICULTURAL SUBDIVISIONS: WATER

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: 1. Concurrent with the recordation of the parcel map, the property owners of record shall record a Deed Restriction on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision. The provision is as follows:
&The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby notified that the parcels/lots created by this subdivision are not guaranteed to have water of sufficient quality or quantity to meet state standards and local drinking water standards set forth in the Monterey County Code (MCC) Title 15, Chapters 15.04 and 15.08, and MCC Title 19. At the time of the subdivision, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that each parcel/lot has water quality and quantity meeting state and local drinking water standards. The current property owners of record and all future buyers of any parcel/lot created by this subdivision are hereby further notified that no development will be permitted and no building permit will be issued for development on any parcel/lot in this subdivision until the owner of that parcel/lot proposed for development demonstrates to the satisfaction of the County that the parcel/lot has a water source meeting all state and local drinking water quality and quantity standards, without treatment, as set forth in MCC Title 15, Chapters 15.04 and 15.08, and Title 19. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.&
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to the filing of the parcel map, execute a County form Deed Restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel.

Concurrent with filing the parcel map, record the County approved Deed Restriction on each parcel/lot created by the subdivision and provide proof of recordation to the Environmental Health Bureau and Planning Department.

12. PDSP 001 ACCESS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to recordation of the Final Map one of the following shall be accomplished:

a. Access easements necessary to allow access to all parcels created by this map shall be shown on the face of the map, or

b. Take both of the following actions

1. A note shall be placed on the parcel map in substantially the following form: "The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have access. Anyone interested in purchasing any parcel is warned that purchasing the parcel without access being provided will restrict or even preclude the ability to undertake development of the parcel."

2. Concurrent with the recordation of the parcel map, the property owners of record shall record a Deed Restriction on all proposed parcels/lots created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title, or interest in each parcel/lot created by this subdivision. The provision is as follows: "The current property owners of record and all future buyers of any of the parcels/lots created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have access. Anyone interested in purchasing any parcel is warned that purchasing the parcel without access being provided will restrict or even preclude the ability to undertake development of the parcel."

Compliance or Monitoring Action to be Performed: The applicant shall either provide the required easement on the map or provide the notice on the map and the deed restriction.

13. PDSP002 ACREAGE RECONCILIATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Parcel Map shall account for all the land within the existing patents. The 20 new parcels must cumulatively equal the total acreage of the existing 20 patents.

Compliance or Monitoring Action to be Performed: The applicant shall account for all acreage in the patents on the Parcel Map.

The site plan sketch(es) originally presented in this resolution has been removed since it is not legible enough to produce a readable photographic record (GC 27201, 27361.6, 27361.7).

A complete copy of Resolution No. 13-003 is on file with RMA-Planning Permit File No. PLN110015,

Exhibit B

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