

# Attachment C

This page intentionally left blank.

# Monterey County RMA Planning

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

PLN140369

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This permit (PLN140369) allows a lot line adjustment between three (3) existing legal lots of record under Williamson Act Farmland Security Zone Contracts (FSZ K No. 2001-006 and FSZ K No. 2001-007) consisting of Parcel 1 (1140.62 acres), Parcel 2 (40.00 acres) and Parcel 3 (661.88 acres). The lot line adjustment would result in three (3) parcels: Parcel 1 (1139.5 acres), Parcel 2 (40 acres) and Parcel 3 (663 acres). The property is located at 59020 Paris Valley Road, San Lucas (Assessor's Parcel Numbers 233-021-006, 233-021-009, 233-021-022, 233-021-023, 233-021-030), South County Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Lot Line Adjustment (Resolution Number \*\*\*) was approved by Board of Supervisors for Assessor's Parcel Number 233-021-006, 233-021-009, 233-021-022, 233-021-023, 233-021-030 on November 4, 2014. 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 Monterey County RMA - Planning."

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

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

## 3. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** RMA-Planning

**Condition/Mitigation** The property owner agrees as a condition and in consideration of approval of this  
**Monitoring Measure:** 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 the property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

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

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

#### 4. PD037 - WILLIAMSON ACT

**Responsible Department:** RMA-Planning

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

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

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

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

This page intentionally left blank