

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

Resolution No.

Resolution of the Monterey County Board of)
Supervisors to Adopt a Resolution to)
a. Approve additional two year extension)
request for an approved Lot Line)
Adjustment for Michael and Vicky Wing)
(PLN050620 Resolution No. 07-0340);)
and)
b. Amend Conditions of Approval adopted)
per Resolution No. 07-340)
(PLN100514/Wing))

RECITALS

WHEREAS, the Owner/Applicants' request for an additional two year extension for an approved Lot Line Adjustment was considered at a noticed public hearing before the Monterey County Board of Supervisors on July 24, 2012.

WHEREAS, the Board of Supervisors, having considered said request for an extension and Staff's recommendation, and the evidence related thereto, finds and declares as follows.

WHEREAS, the owner/applicants are requesting an additional two year extension of a permit for an approved Lot Line Adjustment (Michael and Vicky Wing [PLN050620] approved per Board of Supervisors Resolution No. 07-340).

WHEREAS, said Lot Line Adjustment is categorically exempt per CEQA Guideline Section 15305.

WHEREAS, the owner/applicants are requesting an extension to allow them additional time to secure financing for the project conditions of approval.

WHEREAS, pursuant to Section 19.09.035 of the Monterey County Code, the appropriate decision making body may grant extension(s) not to cumulatively exceed two (2) years.

WHEREAS, there is no new information nor changes in physical circumstances that would alter the findings and evidence contained in the original approval of said Lot Line Adjustment.

WHEREAS, there is no new information nor changes in the physical circumstances that would alter the statutory findings for a Lot Line Adjustment of Williamson Act lands pursuant to Government Code Section 51257 and said findings adopted per Board of Supervisors Resolution No. 07-340 shall remain as adopted by the Board on September 25, 2007.

WHEREAS, it is necessary to amend Condition No.4 to provide for preparation of the new or amended Contact or Contracts by the Office of the County Counsel and to provide for RMA Planning Department and Department of Public Works review and approval of the revised legal description or descriptions for compliance with the approved Lot Line Adjustment.

WHEREAS, it is necessary to eliminate and/or amend conditions of approval contained in Resolution No. 07-340 which previously required and/or referenced the preparation of a Record of Survey and/or the recordation of a Grant Deed for the reconfigured parcels.

WHEREAS, conditions which previously required and/or referenced the preparation of a Record or Survey and/or the recordation of a Grant Deed for the reconfigured parcels have been eliminated and/or replaced with conditions and/or condition language which require Unconditional Certificates of Compliance and/or which reference said Certificates of Compliance as reflected in the attached Condition Compliance Matrix.

WHEREAS, the conditions of approval set forth in Resolution No. 07-340 are hereby amended as reflected in the attached Condition Compliance Matrix which is hereby incorporated by this reference.

WHEREAS, pursuant to Staff's recommendation to approve the owner/applicants' request for an additional two year extension of the approved Lot Line Adjustment and Staff's recommendation to amend the conditions of approval adopted per Resolution No. 07-340 for the reasons set forth above, and in the Staff Report and accompanying documents, the Board hereby approves the request for an additional two year extension of the approved Lot Line Adjustment and amends the conditions of approval adopted per Resolution No. 07-340.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that subject to the attached conditions in the Condition Compliance Matrix, which is hereby incorporated by this reference, the Board of Supervisors hereby:

- a. Adopts a Resolution to approve an additional two year extension request for an approved Lot Line Adjustment for Michael and Vicky Wing (Permit No. PLN050620, approved per Board of Supervisors Resolution No. 07-0340); and
- b. Amends the Conditions of Approval adopted per Resolution No. 07-340 as reflected in the attached Condition Compliance Matrix.

PASSED AND ADOPTED on this 31st day of July, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

Monterey County Resource Management Agency Planning
Department
Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: MICHAEL AND VICKI WING
File No: PLN 110514 /PLN10013 /PLN050620
APNs: 420-161-016; 420-016-033; 420-161-035

Approved by: Board of Supervisors **Date:** First Approval September 25, 2007

This BOS approval on July 31, 2012 extends the LLA to September 25, 2013

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Lot Line Adjustment (file no. PLN0050620) allows three (3) separate parcels with a combined total of 230.27 +/- acres under Williamson Act Land Conservation Contract No. 04-007 to be adjusted, resulting in a 121.27 acre parcel (Lot 1A), a 69.0 acre parcel (Lot 2A), and a 40.00 acre parcel (Lot 3A). The property is located at 73000 Highway 198, Coalinga (Assessor Parcel Numbers 420-161-016-000 and 420-161-033-000). South County Area, with portions of the subject properties in both Monterey and Fresno Counties. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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RMA – PLANNING DEPARTMENT and COUNTY COUNSEL CONDITIONS OF APPROVAL						
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 07-340 as amended by Resolution No. _____) was approved by the Board of Supervisors for Assessor's Parcel Numbers 420-161-033-000 and 420-161-016-000 on September 27, 2007. The permit was granted subject to six (6) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to issuance of building permits or commencement of use.	
3.		PDSP001 (NON-STANDARD CONDITION) Any future development of the reconfigured parcels shall be limited to allowed "compatible uses" as found in Exhibit B of Land Conservation Agreement no. 04-007A in order not to constitute breaches of contract under Government Code Section 51250 (Laird Bill AB 1492); in particular, residential development shall be limited to single family dwellings when shown to be incidental to the agricultural use of the land for the residence of the owner, the family of the owner, the lessee of the land, the family of the lessee, persons employed by the owner or lessee and the family of employee or lessee. (RMA – Planning Department)	Submit any proposed building construction on the subject parcels to the RMA-Planning Department for review as to consistency with the compatible uses allowed under Land Conservation Agreement no. 04-007A.	Owner / Occupant	Prior to the issuance of grading and building permits	

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4.		<p>PDSP(002) - WILLIAMSON ACT LAND CONSERVATION AGREEMENT</p> <p>The property owners shall enter into a new or amended Contract or Contracts, in order to amend the existing Land Conservation Contract No 04-007, to rescind that portion of the existing Land Conservation Contract which is applicable to the reconfigured Williamson Act (Ag P) parcels and, enter into a new or amended Land Conservation Contract or Contracts which shall be applicable to the reconfigured parcels, with the County Board of Supervisors. The new or amended Contract or Contracts shall reflect the reconfigured parcels as applicable, the present ownership interests and, shall incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures. (RMA – Planning Department; Office of the County Counsel)</p>	<p>The Owner/Applicant and/or Property Owners of Record of the reconfigured Ag P parcels as applicable, shall enter into any new or amended Agricultural Preserve Land Conservation Contracts with the Board of Supervisors for the lot line adjustment of property under Williamson Act Land Conservation Contract deemed necessary by the Office of the County Counsel.</p>	<p>Owner/Applicant. The new or amended Contracts shall be prepared by the Office of the County Counsel, subject to the preparation of the legal descriptions by the Owner/Applicant/Surveyor for the reconfigured Ag P parcels, and review of said legal descriptions by RMA Planning Department and Public Works Staff.</p>	<p>Said new or amended Contracts shall be recorded upon demand of the Office of the County Counsel or concurrent with the recordation of the Certificates of Compliance for the reconfigured Ag P parcels, whichever occurs first.</p>	

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5.		<p>PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS)</p> <p>The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA – Planning Department)</p>	<p>The Applicant/Owners’ Surveyor shall prepare legal descriptions for each newly configured parcel. 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/Owners shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i>, for the appropriate fees to record the certificates.</p>	<p>Owner/ Applicant/ Surveyor</p>	<p>Prior to expiration of the permit, the Owner/Applicant/Surveyor shall submit legal descriptions for each newly configured parcel as prepared by Owner/Applicants’ Surveyor.</p>	

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6.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the 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. 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 the Office of the County Counsel or concurrent with the issuance of building permits, use of the property, recordation of the Certificates of Compliance, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of the Office of the County Counsel, or concurrent with the issuance of building permits, use of the property, or recordation of the Certificates of Compliance, whichever occurs first and as applicable.	

END OF CONDITIONS OF APPROVAL