

Attachment C
Recommended
Conditions of Approval

Patterson/Davis
PLN110335

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110335

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit (PLN110335) allows a Lot Line Adjustment between two existing legal lots of record under Williamson Act Contract (AGP 73-34A) consisting of the removal of 47.8 acres from an existing 322.8 acre parcel [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and portion of 423-071-006-000 (Parcel D)] and the addition of 47.8 acres to an existing 93.4 acre parcel [Assessor's Parcel Number: 423-071-006-000 (Parcel C)]. The lot line adjustment would result in two (2) parcels of 141.2 acres (Parcel C) and 275 acres (Parcel D). The properties are located at 69461 Bradley-Lockwood Road, Lockwood (Assessor's Parcel Numbers 423-071-006-000, 423-061-035-000, 423-061-036-000 and 423-061-038-000), east of Lockwood, South County Area Plan. 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)

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 notice which states: "A permit (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Number(s) 423-071-006-000, 423-061-035-000, 423-061-036-000 and 423-061-038-000 on December 4, 2012. The permit was granted subject to 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 the 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, 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)

Compliance or Monitoring Action to be Performed: Upon demand of 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 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. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall request 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 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 legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

5. PD037 - WILLIAMSON ACT

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:** The Owner/Applicant and/or Property Owners of Record of the reconfigured Williamson Act parcels as applicable, shall enter into any new or amended Agricultural Preserve contracts with the Board of Supervisors for the lot line adjustment of property under Williamson Act contract deemed necessary by County Counsel.
(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:** The new or amended Agricultural Preserve (AGP) Contracts shall be prepared by the Office of County Counsel, subject to preparation of the legal descriptions by the Owner/Applicant / Surveyor for the reconfigured Williamson Act (AGP) parcels, and review of said legal descriptions by RMA-Planning Department and Department of Public Works staff. Said new or amended AGP contract or contracts shall be recorded concurrently with the recordation of the Certificates of Compliance for the Williamson Act (AGP) parcels.