

Exhibit B

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DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

Scheid Vineyards California, Inc. (PLN180345)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Consider an Addendum to the previously adopted Mitigated Negative Declaration.
- 2) Adopt a resolution to Minor Subdivision Tentative Map to allow the division of a 373 acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 (Parcel C); and 62 acres (Parcel D), respectively.

[PLN180345, Scheid Vineyards California, Inc.,
34954 Metz Road, Soledad, Central Salinas Valley
Area Plan (APN: 257-121-003-000)]

The Scheid Vineyards California, Inc. application (PLN180345) came on for public hearing before the Monterey County Planning Commission on May 8, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Minor Subdivision of a 373 acre parcel into four (4) parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 (Parcel C); and 62 acres (Parcel D), respectively for agricultural financing purposes. The objective is to divide into four (4) lots consistent with the existing grape crop varieties in order to facilitate financing, which in return would allow the agricultural viability to continue.
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;
 - Central Salinas Valley Area Plan
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 34954 Metz Road, Soledad (Assessor's Parcel Number 157-121-003-000), Central Salinas Valley Area Plan. The parcel is zoned F/40, which allows for a Minor Subdivision with a minimum building site of 40 acres. The subject site is approximately 373 acres in size and the proposed lots would each be 149 acres (Parcel A); 94 acres (Parcel B); 68 (Parcel C); and 62 acres (Parcel D). Therefore, the project is consistent with the minimum size requirements of the zoning district and an allowed land use for this site.
- c) The proposal is consistent with the Lot Design standards of Section 19.10.030 A, B and C by conforming to zoning regulations of Title 21, lot width, depth and side line of the lots running at right angles to any street upon which the lot faces.
- d) Pursuant to 2010 General Plan Policy AG-1.3, allows Subdivision of Important Farmland, as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program, and designated by the County as "Farmland", shall be allowed only for exclusive agricultural purposes. The subject property is designated as Prime farmland in the Important Farmland Mapping and Monitoring Program by the California Department of Conservation. Pursuant to AG-1.3, the subdivision of this property is allowed because the purpose of the subject minor subdivision is exclusively for agriculture. See Evidence 1.e. below.
- e) 2010 Monterey County General Plan Policies LU-1.19, LU-3.2, and AG-1.3: The parcels under this agricultural subdivision would remain in active agricultural production, and the subdivided parcels would be capable of remaining as viable agricultural units. The project does not involve any structural or infrastructure improvements for residential development. By improving financing opportunities, the proposed subdivision could preserve and enhance the agricultural viability of the subject land, consistent with 2010 General Plan policies that allow subdivision of agricultural lands (Policy AG-1.3) and promote agriculturally-related housing (Policies AG-1.6 and AG-1.7). Therefore, the County finds that this is an agricultural subdivision, consistent with Policies AG-1.3 and LU-3.2, and that Policy LU-1.19 is not applicable because this is not the type of development intended to be regulated by the DES.
- f) The project is active in agriculture production of viticulture and the property is under the Williamson Act Contract with Contract Number 71-040. The applicant's objective is to subdivide into four (4) lots consistent with the existing crop. In accordance with the Farmland zoning of this property, the applicant is allowed single-family dwellings accessory to the agricultural use of the property, not exceeding three (3) in total, for an owner, operator or employees employed on site (MCC Title 21 Section 21.30.030.B). Although there is no residential construction proposed, the potential construction of twelve (12) single family dwellings is allowable as a result of the four (4) lots (3 single family dwellings per lot).
- g) The project was not referred to the Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area of the County of Monterey.
- h) The project was referred to the Monterey County Agricultural Advisory

Committee (AAC) on February 28, 2019. The AAC recommended approval with no conditions for the project.

- i) Access to the property is from Metz Road and an existing 20-foot wide road and utility right-of-way easement between proposed Parcels B & C. The RMA-Public Works Department has imposed a condition of approval requiring it to be increased to 30-foot in width in order to meet the County's minimum standards (MCC Title 19, Section 19.10.065.A.8).
- j) The project planner conducted a site inspection on April 9, 2019 to verify that the project on the subject parcel conforms to the plans listed above.
- k) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180345.

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, Mission Soledad Rural Fire Protection District, RMA-Public Works, RMA-Environmental Services, RMA- Parks, Housing and Economic Development and Environmental Health Bureau. 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) Staff identified potential impacts to biological resources, specifically San Joaquin Kit Fox (SJKF) because the project site is located in the SJKF habitat boundaries according the County's GIS database. For this reason, a technical report was required to be prepared and submitted to the County by a County-approved biological consultant. The technical report indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the minor subdivision proposed. County staff independently reviewed the report and concurs with the conclusions. The following report has been prepared and County evaluated:

“Habitat Evaluation San Joaquin Kit Fox Riverview (Scheid Vineyards) Property Soledad, Monterey County, California” (LIB100398) prepared by Zander Associates, Novato, CA May 14, 2008”.

- c) Pursuant to PS. 3.1.c of the 2010 General Plan, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. However, this requirement shall not apply to development within Zone 2C of the Salinas Valley groundwater basin. Monterey County Water Resources Agency Zone 2C is an assessment district established to collect fees to pay for water projects that improve water supply and water quality, including funding the operation and maintenance of the Nacimiento and San Antonio Reservoirs and a suite of other projects, all intended to address both seawater intrusion and water supply. The Scheid project is

located within the Monterey County Water Resources Agency (MCWRA) Zone 2C. This exemption for Zone 2C shall be a rebuttable presumption that a Long-Term Sustainable Water supply exists within Zone 2C. Although the purpose of this minor subdivision on agricultural land is strictly for financing, the creation of the minor subdivision could potentially have twelve (12) single-family dwellings *accessory to the agricultural use of the property for an owner, operator or employees employed on site* (MCC Chapter 21.30- Farmlands zoning designation). However, because the County treats these residences as incidental to the agricultural use, the residences would not change the property's agricultural land use. Therefore, the impacts will be unchanged and will remain the same.

- d) The existing agricultural well on proposed Parcel C has appropriate quality and quantity to serve as the source for domestic water distribution system for all of the proposed parcels.
- e) The Slope Density Analysis Map identifies the property as having the majority of its topography between 0% to 10% slopes. Proposed Parcel A, B & and C are identified in the Slope Density Analysis Map with topography of 0% to 10% slopes. Proposed Parcel D has a topography between 0% to 10% with the exception small areas of 10% to 30% along the south-easterly and north easterly portions of the property line. Any future development would be subject to review for consistency with Section 21.64.230, Development of Slopes in Excess of 25% (Title 21-Inland Ordinance).
- f) The site is accessed off of Metz Road and there is an existing 20-foot wide road and utility right-of-way easement located on the property (between proposed Parcel B and Parcel C). The RMA-Public Works Department has imposed a condition of approval requiring it to be increased to 30-foot in width in order to meet the County's minimum standards. This will be reflected on the Final Map prior to recordation
- g) No tree removal or grading is proposed for this project.
- h) Staff conducted a site inspection on April 9, 2019 to verify that the site is suitable for this use.
- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN180345.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 RMA- Planning, Mission Soledad Rural Fire Protection District, RMA-Public Works, RMA-Environmental Services, RMA- Parks, Housing and Economic Development and Environmental Health Bureau. 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) The minor subdivision is solely for financing purposes to the existing agricultural use of the subject property.
- c) Staff conducted a site inspection on April 9, 2019 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 for the proposed development found in Project File PLN180345.

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 and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on April 9, 2019 and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180345.

5. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously adopted Negative Declaration was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted Negative Declaration.
- a) A Mitigated Negative Declaration for the Scheid Minor Subdivision Tentative Map was prepared and certified by the Monterey County Planning Commission on December 9, 2010 (Resolution No. 10-014).
 - b) An Addendum to the Scheid Minor Subdivision Tentative Map project Mitigated Negative Declaration was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines). The Addendum attached as Exhibit E to the May 8, 2019, Staff Report to the Planning Commission reflects the County's independent judgment and analysis.
 - c) Pursuant to Section 15164 of the CEQA Guidelines, some changes or additions to the project are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred
 - d) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project, no changes to circumstances under which the project was undertaken, and there is no new information of substantial importance not known at time that would require major revisions to the prior Mitigated Negative Declaration (MND). The prior MND did not identify significant impacts to the environment. However, potential impacts to agricultural and forest resources were identified. The Tentative Map would not result in a substantial change to the lot layout or result in the change of the MND's

outcome. A Minor Subdivision onto Assessor's Parcel Number 257-121-003-000 would not require a major revision to the prior ND.

Agricultural and Forest Resources –The project has not changed from the original application (PLN070463) which identified the preservation of the agricultural viability of each proposed lot. The applicant shall develop in areas that would minimize the removal of agricultural production. As a result, prior to the recording of the Parcel Map, the applicant shall place a following note on said Map to “All future single family dwellings proposed on each lot of record, shall be located in areas that would minimize the removal of agricultural production in order to maintain the agricultural viability of lots which are designated as “Prime Farmland.” The location of each proposed single-family dwelling(s) shall be approved by the Director of Planning, prior to the issuance of any building permit(s)”. Since no development is proposed at this time since the objective is to facilitate financing and continue the current crop varieties. As a result, there will be no significant impacts to agricultural or forest resources.

6. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a 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 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, including the Central Salinas Valley Area Plan Supplemental Policies.
 - b) Design. The lot design is consistent with the Lot Design Standards of Section 19.10.030. County Codes.
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development.
 - d) Health & 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.

- e) Easements. The subdivision or the type of improvements will not conflict with easements. Access to the property is from Metz Road and an existing 20 foot wide with a utility right-of-way between proposed Parcels B and C. The South Pacific Railroad runs along a six acre easement within the southern boundary of the project site.
- f) Water Supply. Section 19.10.070 MCC requires that provisions shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare, that the source of supply is adequate and potable, and that there is proof of a long-term sustainable supply with the proposed project. Sections 19.03.015.L and 19.07.020.K MCC requires Water Supply and Nitrate Loading Information in order to assess these conditions (See Finding 2)
- g) Traffic. The RMA-Public Works Department has reviewed and conditioned this project. The project will create four (4) parcels with the potential of up to twelve (12) single family dwellings on each parcel. The site has no existing single-family dwellings or other structural type of development. Access to the property is from Metz Road with an existing 20 foot-wide road and utility right-of-way between proposed Parcels B and C exists. The RMA-Public Works Department has imposed conditions of approval, one of which requires that the existing 20 foot-wide road and utility easement shall be increased to 30 feet in width in order to meet minimum County standards (MCC Title 19, Section 19.10.065.A.8).
- h) Sewage Disposal. Section 19.03.015.K and 19.07.020.J MCC.
- i) Affordable Housing. The project is subject to the Monterey County Inclusionary Housing Ordinance #5175, codified in Section 18.40 of the County Code. Section 18.40.50.B.2 of the County's Inclusionary Ordinance allows for modifications to the requirements for compliance based on unusual or unforeseen circumstances. On October 28, 2008, the Board of Supervisors provided specific policy direction that addresses the special circumstances related to the subdivision of agriculturally zoned properties. This project meets the criteria included in the policy direction and therefore can be allowed to comply with the Inclusionary Housing requirements through the securing of an in-lieu fee payable should a residential building permit be issued in the future, as evidenced below:
 - 1) The project is a large lot subdivision of property zoned "Farmland";
 - 2) The project site is currently in agricultural production with no residential units located on it; and
 - 3) The applicant has stated that the purpose of the subdivision is for agricultural financing and no residential development is contemplated.
- j) Parks and Recreation. The applicant is applying for the subdivision of agricultural land under Williamson Act contract that is understood to be used exclusively for the commercial production of food and fiber and not for residential purposes. According to Section 19.12.010 L. (1.) of the Subdivision Ordinance, Title 19, Monterey County Code, the Subdivision Ordinance, Title 19, Monterey County Code, the

subdivision shall be exempt from recreation requirements if the newly created parcels are not used for residential purposes. However, this exemption shall not apply to requests for construction of a residential structure or structures on any or all of the parcels within four (4) years of approval of the parcel map. Therefore, a condition is placed on the project requiring the applicant to make a notation on the parcel map that the subdivision is subject to recreation fees based on Section 19.12.010 E.(2.) of the Subdivision Ordinance if the property owner request building permits for the construction of a residential structure or structures on one or more of the parcels created by the subdivision within four (4) years after the approval of the parcel map.

- k) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180345

7. **FINDING:**

SUBDIVISION ON LAND UNDER WILLIAMSON ACT

CONTRACT – The property is currently under a Williamson Act Contract (Contract No. 71-040) and therefore subject to Section 66474.4 of the Subdivision Map Act and County -adopted rules and regulations for the Administration of Agricultural Preserves. The project is required to meet the following findings:

- a. That the proposed map is consistent with the applicable general plan policies and objectives.
- b. That the subdivision is consistent with the zoning designation and minimum parcel size requirements of the zoning district.
- c. That the subdivision complies County-adopted Rules and Regulations for Administration of Agricultural Preserves because it has been demonstrated that:
 - i. Each parcel will be devoted to a qualifying agricultural use;
 - ii. Each parcel will meet the minimum parcel size of 10 to 40 acres or the minimum lot size whichever is more restrictive for the type of contract;
 - iii. Each parcel will individually meet the minimum income requirement for a (Type I/Type II) Williamson Act contract, which is \$200 per acre for a Type I. For a Type II Williamson Act Contract \$1.99 per acre of \$1,999.99 per farm operation, whichever total is larger.
 - iv. Each parcel will remain under a Williamson Act contract and complies with the restrictions to agricultural and compatible uses;
 - v. No land would be removed from the Williamson Act Program.
- d. That the subdivision complies with Section 66474.4 of the Subdivision Map Act pertaining to land under an existing California Land Conservation contract, referred to as Williamson Act contract because:

The subdivision would not result in residential development that is not incidental to the agricultural operation.

- EVIDENCE:**
- a) Consistency with General Plan. The project, as designed and conditioned, is consistent with the 2010 Monterey County General Plan (See Finding 1)
 - b)

- Consistency with Zoning. The parcel is zoned “F/40” [Farmlands, with a minimum building site of 40 acres], which allows agriculture development. The proposed Minor Subdivision is for the division of a 373 acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 acres (Parcel C); and 62 acres (Parcel D), respectively. Therefore, the project is consistent with the minimum lot size requirements of the zoning district and an allowed land use for this site.
- c)

Agricultural Use.

The project involves the division of 373 acre lot into four lots consisting of 149 acres (Parcel A); 94 acres (Parcel B); 68 acres (Parcel C); and 62 acres (Parcel D), respectively. According to the California Department of Conservation, the parcel is designed as Prime Farmland (Prime Farmland has the best combination of physical and chemical features able to sustain long term agricultural production). The site is active in agriculture production of viticulture and the property is under a Williamson Act Contract (Contract No. 71-040). There are no structures existing on the property. The land use designation on the site requires that each subdivided parcel must be capable of remaining a viable agriculture unit. Therefore, division of farmlands are permitted only when such division does not adversely affect the land’s long-term agricultural viability. The applicant’s objective is to divide into four (4) lots consistent with the existing crop varieties in order to facilitate financing, which in return would allow the agricultural viability to continue. Although no construction is proposed or anticipated, the project will create the potential of additional density. In accordance with the Farmland zoning of this property, the applicant is allowed a single-family dwellings accessory to the agricultural use of the property, not exceeding three (3) in total, for an owner, operator or employees employed on site. Although there is no residential construction proposed, the potential construction of twelve (12) single family dwellings is allowable as a result of the four (4) lots (3 single family dwellings per lot). Therefore, in order to mitigate the physical impacts to *Agricultural and Forest Resources* due to potential density to less than significant effect, a Mitigation Measure has been incorporated. Mitigation was incorporated to have the applicant place a note on the Parcel Map for review to state applicant shall develop in areas that would minimize the removal of agricultural production. Since no development is proposed at this current time, an Addendum to the Negative Declaration has been prepared with the same mitigation.

The project was referred to the Monterey County Agricultural Advisory Committee (AAC) on February 28, 2019. The AAC recommended approval with no conditions for the project. The proposed parcels meet the minimum lot size requirements per the Williamson Act Contract, which specifies a minimum lot size of 10 acres. Each proposed parcel will meet the minimum income requirements of the Williamson Act Contract. The parcels will remain under the Williamson Act Contract with the restrictions of agriculture and compatible uses. Lastly, no land is being removed from the Williamson Act Contract.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 21.80.040 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Consider an Addendum to the previously adopted a Mitigated Negative Declaration.
- 2) Adopt a resolution to Minor Subdivision Tentative Map to allow the division of a 373 acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 (Parcel C); and 62 acres (Parcel D), respectively for agricultural financing purposes.

Approval is subject to 12 conditions, in general conformance with the attached sketch and subject to the conditions attached hereto.

PASSED AND ADOPTED this 8th day of May 2019 upon motion of Commissioner_____, seconded by Commissioner_____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Brandon Swanson, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 _____.

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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County RMA Planning

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

PLN180345

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Minor Subdivision Tentative Map permit (PLN180345) allows the division of a 373 acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 acres (Parcel C); and 62 acres (Parcel D), respectively for agricultural financing purposes. The property is under a Williamson Act Contract. No individual septic systems or water systems are proposed. The property is located at 34954 Metz Road, Soledad (Assessor's Parcel Number 257-121-003-000), Central Salinas Valley Area 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 Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A permit (Resolution Number _____) was approved by Planning Commission for Assessor's Parcel Number 257-121-003-000 on May 8, 2019. The permit was granted subject to 12 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 grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the final map, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the final map, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

4. PD037 - WILLIAMSON ACT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner shall enter into new or amended Agricultural Preserve Land Conservation Contract or Contracts with the Board of Supervisors of the County of Monterey for the division of property 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 new or amended contract or contracts to be prepared by the Office of the County Counsel.

5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation 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. (County Counsel-Risk Management)

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, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

6. EHSP01 - WATER SYSTEM AGREEMENT (NON-STANDARD)

Responsible Department: Health Department

**Condition/Mitigation
Monitoring Measure:**

Prior to approval of the final parcel map, the Owner shall enter into a water system agreement with the County in which Owner agrees that prior to the first sale of any lot in the subdivision or prior to the issuance of the first permit for a use requiring a domestic water source, whichever event occurs, Owner shall obtain a water system permit from EHB. The water system permit will delineate the specific requirements and timing for installation of the water system under such terms as EHB may prescribe. Prior to recordation of the parcel map, Owner shall submit a draft of the water system agreement to EHB for review. Said agreement must be in a form acceptable to EHB and County Counsel and approved by the County prior to approval of the final parcel map. Concurrent with recordation of the parcel map, the approved agreement shall be recorded on each of the parcels resulting from this minor subdivision. A note shall be placed on the parcel map describing the water system agreement.

The agreement shall include, at a minimum, the following terms:

- The requirement that prior to the first sale of any lot in the subdivision or prior to the issuance of a construction permit for development that will meet the definition of a water system, the Owner shall obtain a water system permit from EHB and install the water system under such terms as EHB may prescribe oversight responsibility. Alternatively, a separate domestic water source(s) that demonstrates adequate quality and quantity, as determined by EHB, may be established for each lot.
- The right of each parcel to access well and water line easements in perpetuity
- Agreement amendment specifications, including EHB approval of proposed changes

**Compliance or
Monitoring**

Action to be Performed:

Prior to filing the parcel map:

- Submit a water system agreement to EHB and County Counsel for review and approval
- Submit the proposed parcel map with a note regarding the water system agreement

Concurrent with recordation of the parcel map, the approved agreement shall be recorded to each of the parcels resulting from this minor subdivision.

7. EHSP02 – WATER SYSTEM EASEMENTS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: In order to ensure that any parcel resulting from this minor subdivision will have access to the well on proposed Parcel C as a source of domestic water supply, the well on Parcel C and water line easements from the well on Parcel C to each of the other parcels shall be depicted on the final parcel map. Said easements shall provide each of the parcels access to the well and the right to install such appurtenances as maybe required for each parcel's use of the well as the source of domestic water supply. A note shall be placed on the map stating that Parcels A, B and D shall have the right to utilize the water from the well on Parcel C and shall have access to that well in perpetuity unless a parcel obtains a different water source that has been proven to the satisfaction of the Director of EHB to have sufficient water quality and quantity to serve the parcel without the need to access the well on Parcel C.

Compliance or Monitoring Action to be Performed: Submit to the Environmental Health Bureau for review and approval a proposed parcel map that depicts the well on Parcel C with a well protection zone easement and 30' wide water line easements to each of the parcels resulting from this minor subdivision, as well as a note stating the right of each parcel to access the well and water line easements in perpetuity.

Record the agreement on each of the parcels resulting from the subdivision.

8. PW0015 – UTILITY'S COMMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to applicable utility companies. Subdivider shall submit utility company recommendations for required easements, if any, to the RMA-PWF.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Map, Owner/Applicant/Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.

9. PW0036 - EASEMENTS AND RIGHT-OF-WAY

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements and 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.

10. PKS001 - RECREATION REQUIREMENTS / FEES

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Monterey County Parks Department exempts recreation-in-lieu fees in lieu of land dedication on a subdivision containing four (4) or less parcels not used for residential purposes based on Section 19.12.010 L (1) Of the Subdivision Ordinance, Title 19, Monterey County Code. According to said Section however, this exemption from recreation fee shall not apply is a building permit for construction of a residential structure or structures on one or more of the parcels created by the subdivision is requested within four (4) years from the approval of the parcel map, in which case the fee shall be required to be paid by the owner of such parcel(s) as a condition of the issuance of such building permit(s). (Parks Department).

Compliance or Monitoring Action to be Performed: Prior to the recordation of the parcel or final map, the Owner/Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.

The applicant shall place on the parcel map the following notation: "Request for a building permit for construction of a residential structure or structures on one or more of the parcels created by the subdivision within four (4) years from the approval of the parcel map (Resolution 10-014) is subject to the Recreation Requirements contained in Section 19.12.010 E.(2) of the Subdivision Ordinance Title 19, Monterey County Code.

11. PWSP001 – ROAD AND UTILITY RIGHT-OF-WAY EASEMENT

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The road and utility right-of-way easement along Parcel B and C must be a minimum of 30 feet in width.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, Subdivider's Surveyor shall include the road and utility right-of-way easement on Parcel Map.

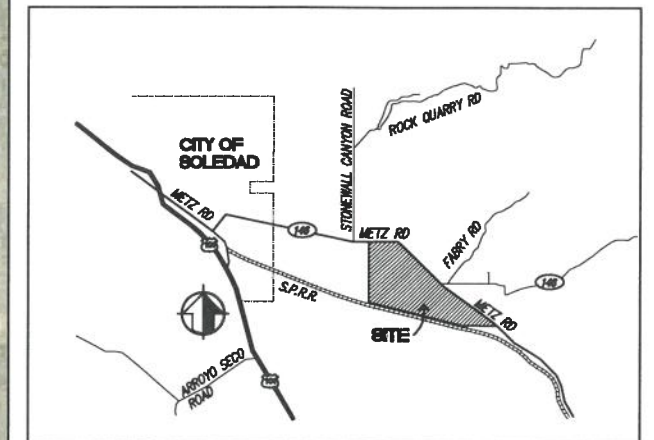
12. Inclusionary Housing

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: Prior to recordation of the Final Map, the applicant shall comply with the County's Inclusionary Housing Ordinance #5175 by securing, to the satisfaction of the Housing Program Manager, an in-lieu fee of \$23,338.40. Payment of the entire in-lieu fee amount will be required with the issuance of any residential building permit on any of the created parcels. All four created parcels shall be encumbered by the instrument securing the in-lieu fee. If the in-lieu fee is paid in the future, the current land owner(s) for each parcel may request that the recorded security instruments be reconveyed by the County.

Compliance or Monitoring Action to be Performed: The applicant shall execute a Promissory Note in the amount of \$23,338.40 that bears interest at the rate of prime + 2% prior to recordation of the Final Map.

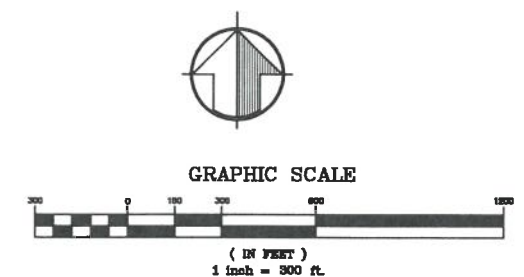
The Promissory Note shall be secured by Deeds Trust on all four created parcels and become due in full when the first residential building permit is issued for any of the created parcels.



VICINITY MAP
NTS

LEGEND

- BOUNDARY LINE
- PARCEL LINE
- EXISTING LOT OR PARCEL LINE
- EASEMENT LINE
- CENTERLINE OF ROW



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California

DATE: 11/20/18

EXHIBIT

SHEET 1 OF 1

PROJECT #: 718003

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