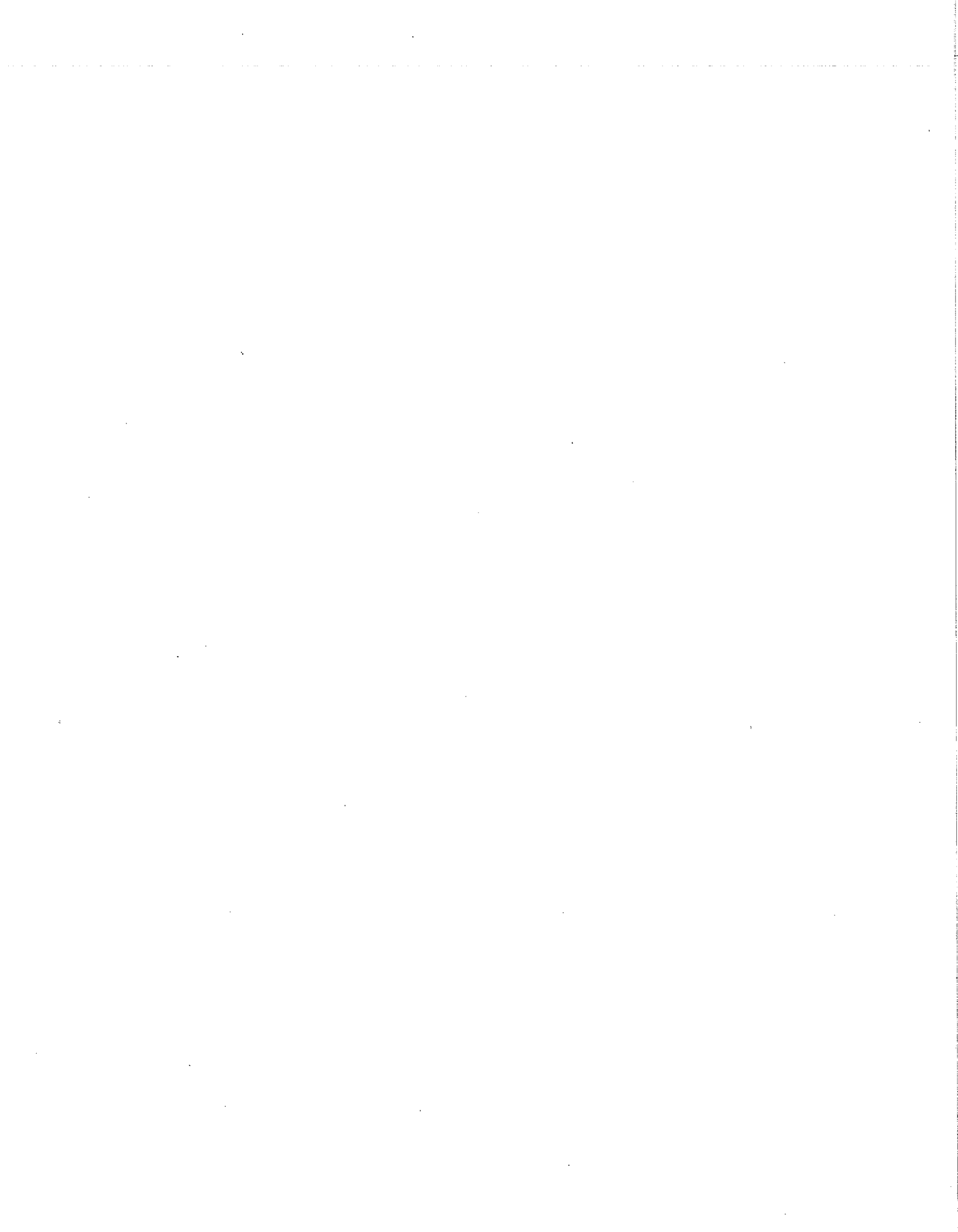


Exhibit B  
Draft Board Resolution  
1. Revised Conditions of Approval  
And  
Mitigation Monitoring & Reporting Plan

Banker's Development Group, LLC  
(York Highlands)  
PLN120024

Board of Supervisors  
February 7, 2012



**Monterey County Planning Department**  
**DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan**  
PLN120024

**1. PD001 - SPECIFIC USES ONLY**

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

This modification PLN120024 to previously approved York Highlands Combined Development Permit (PLN100020) consists of amendments to: 1) change the access from York Highlands Road 1 to the existing Monterra Ranch Subdivision entrance at Highway 218; 2) re-designate the approximately 1,400 foot long section of York Highlands Road 1 between State Highway 68 and York Highlands Road 2 from a 60-foot wide road and utility easement to a 50-foot wide emergency access and public utility easement; 3) designate the 50-foot wide, approximately 1,200-foot long fire access road between Monterra Ranch Phase 6 and York Highlands as a 60-foot wide private road and public utility easement; 4) modify Condition No. 52 (Board of Supervisors Resolution No. 11-342) to eliminate the requirement for specific improvements to Highway 68 at the York Highlands Road 1 entrance; and 5) amend the vesting tentative map to create a 1.79-acre open space parcel (Parcel T), thereby reducing Ranch Lot 1 and to merge a 0.48 acre parcel with an existing well parcel to create one water utility parcel. This modification 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:** NON-STANDARD - The applicant shall record a Permit Approval Notice. This notice shall state: "A Modification (PLN120024) to the previously approved York Highlands Combined Development Permit (PLN100020) (Resolution Number \_\_\_\_\_) was approved by the Board of Supervisors for Assessor's Parcel Numbers 259-241-001-000; 259-241-003-000; 259-241-004-000; 259-092-072-000; 259-092-075-000; 259-191-023-000; 259-191-024-000; 259-211-016-000; 259-231-016-000; 259-231-017-000; 259-231-018-000; 259-231-019-000; 259-231-020-000; 259-231-021-000; 259-231-022-000; 259-231-023-000; 259-231-024-000; 259-231-025-000; 259-231-026-000; 259-231-028-000; 259-251-001-000; 259-251-002-000; 259-251-003-000; 259-251-004-000; 259-251-005-000; 259-251-006-000; 259-251-007-000; 259-251-008-000; 259-251-009-000; 259-251-010-000; 259-251-011-000; 259-251-012-000; 259-251-013-000; 259-251-014-000; and 259-251-015-000 on February 7, 2012. The Modification was approved subject to 6 conditions of approval which run with the land. All of the conditions of approval and mitigation measures applied to the Combined Development Permit (PLN100020) approved by Board of Supervisors Resolution No. 11-342 continue to apply, except as amended by this Modification. 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 recordation of the final map, 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 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. PDSP-001 CONDITIONS AND MITIGATION MEASURES OF PLN100020 APPLY (NON-STANDARD)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All of the 72 conditions of approval and 92 mitigation measures adopted by the Board of Supervisors by Resolution No. 11-342 for the York Highlands Combined Development (PLN100020) continue to apply, except as amended by this Modification (PLN120024). Condition No. 52 has been amended to reflect the fact that specific improvements are no longer necessary at the York Road entrance to the subdivision. Delete Mitigation Measure No. 71 because the improvements required have either been completed or are no longer necessary.

**Compliance or Monitoring Action to be Performed:** On-going: All conditions and mitigation measures found in Board of Supervisors Resolution No. 11-342 continue to apply, except as modified by this Modification (PLN120024)

#### 5. PD017 - DEED RESTRICTION-USE

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to or concurrent with the recordation of the final map the applicant shall record a deed restriction stating that "This parcel has been created as a water utility parcel. Uses or development not related to the use of the parcel for water utilities shall not be allowed." (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the final map the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to or concurrent with the recordation of the final map, the Owner/Applicant shall submit proof of recordation of the document to the RMA-Planning Department.

#### 6. PWSP005 - CALTRANS ENCROACHMENT PERMIT REQUIRED

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** MODIFIED CONDITION NO. 52: Obtain an encroachment permit from Caltrans for any work that may be required within the Caltrans right of way at the York Road emergency access to York Highlands. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any work within the Caltrans right of way, Applicant shall provide evidence to the Department of Public Works that an encroachment permit from Caltrans for said work has been issued. Applicant is responsible to obtain all required permits.

