

Attachment No. 2
Draft Board Resolution

- Recommended Conditions of Approval
 - Survey Map

Gordon J. Steuck
PLN080454

Board of Supervisors
February 7, 2012

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN080454

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Lot Line adjustment (PLN080454) allows a lot line adjustemnt between two legal lots of record of otherwise approximately 4.6 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 040006 Northerly Parcel) and 4.3 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 040004 Southerly Parcel), resulting in two newly reconfigured lots of 4.6 acres (Westerly Parcel to be identified as parcel A) and 4.3 acres (Easterly Parcel to be identified as parcel B) respectively. The project is located at 570 and 570-a, Aguajito Road (Assessor's Parcel Number 103-061-015-000), Greater Monterey Peninsula Area, non-Coastal Zone. 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: Adhere to conditions and uses specified an in the permit.

Owner/Applicant

Ongoing 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 No.) was approved by the Board of Supervisor's for (Assessor's Parcel Number: 103-061-015-000), on February 7, 2012. The permit was granted subject to 9 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Obtain appropriate form from the RMA-Planning Department.

The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.

Owner/Applicant

RMA-Planning

Prior to the recordation of Record of Survey

3. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a period of 3 years, to expire on February 7, 2015 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The applicant shall complete the conditions to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 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, 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: Submit 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.

Owner/Applicant

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of record of survey, whichever occurs first and as applicable

5. PD045 - CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS)

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: The 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 shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

Owner/Applicant Surveyor

Concurrent with recording the Record of Survey

6. PW0034 - LOT LINE ADJUSTMENT

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain a survey of the new line and have the line monumented. (Public Works)

Compliance or Monitoring Action to be Performed: Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.

Owner/Applicant/Surveyor

Prior to Recordation of Survey

7. PW0035 - RECORD OF SURVEY

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a Record of Survey showing the new line and its monumentation. (Public Works)

Compliance or Monitoring Action to be Performed: Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.

Owner/Surveyor

Prior to Recordation of Record of Survey.

8. EHSPD01 - DEED NOTICE LONG-TERM WATER SUPPLY (NON STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed notification as a condition of project approval stating: "Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future." (Environmental Health)

Compliance or Monitoring Action to be Performed: Obtain Deed Notice form from EHB.

Record the deed notice with the Monterey County Recorder for the parcel with the well to the satisfaction of EHB.

Owner

Prior to recordation of the map

9. EHSPD02 - DEED NOTICE - WATER SOURCE (NON STANDARD)

Responsible Department: Health Department

**Condition/Mitigation
Monitoring Measure:**

The property owner, concurrently with recordation of the record of survey, will record a deed notification for each parcel indicating that: "The owner of the well on Parcel A (as identified on the record of survey as Parcel A and hereafter known as Parcel A) shall, in perpetuity, grant access and use of the well to serve future development on the newly configured vacant lot (hereafter known as Parcel B and identified as such on the record of survey) resulting from PLN080454.

A 72 hour source capacity test was completed on the well located on Parcel A in September 2010. The Environmental Health Bureau (EHB) credited the well capacity at 8.5 gallons per minute. This yield is sufficient to serve a maximum of two single family dwellings. Parcel B is to be served by the onsite well located on Parcel A. Access to the well water for Parcel B can only be severed if a separate sustainable water source that meets capacity consistent with County requirements is developed and approved by EBB.

In the event of sale of either lot, water easements shall be recorded to maintain access to the well water for both lots." (Environmental Health)

**Compliance or
Monitoring**

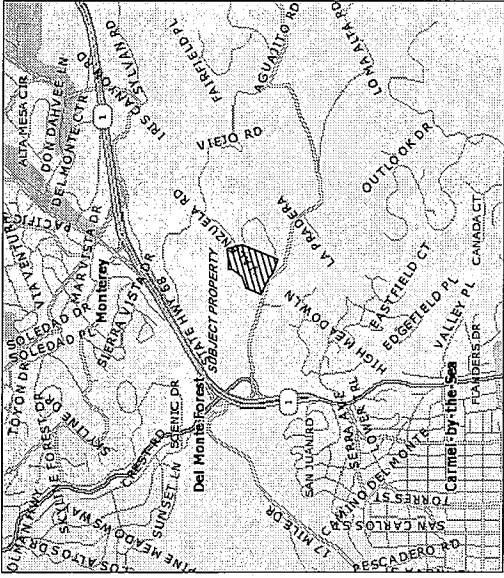
Obtain form from EHB.

Action to be Performed:

Record notarized Deed Notification.

Submit evidence of recordation to EHB.

Concurrent with the recordation of the record of survey.



VICINITY MAP
NOT TO SCALE

RECORD OWNER
APN 04049414
THE STEVICK FAMILY TRUST
1002 CASS STREET
MONTEREY, CA 93940

PROPERTY ADDRESS
SUNSET LN
MONTEREY, CA 93940

CURRENT ACREAGE:
NORTHERLY PARCEL: 4.6 ACRES +/-
CERT. OF COMPLIANCE (DOC. 079892, 07/29/2004)
SOUTHERLY PARCEL: 4.3 ACRES +/-
CERT. OF COMPLIANCE (DOC. 079894, 07/29/2004)

PROPOSED ACREAGE:
WESTERLY PARCEL: 4.6 ACRES +/-
EASTERLY PARCEL: 4.3 ACRES +/-

PROPOSED LOT LINE ADJUSTMENT

IN A PORTION OF LOT 11, LOS RAMONES DE AGUAJITO, COUNTY OF MONTEREY, CALIFORNIA

PREPARED FOR: GORDON STEUCK

PREPARED BY:
RASKUSSELAND SURVEYING, INC.
PO BOX 3735
MONTEREY, CA 93942-3735
TEL. 831.375.7240 FAX: 831.375.2545
PROJECT NO. 2401 DEC. 14, 2010

