

## CONDITIONS OF APPROVAL

0294

Approval No. 98-0869

Applicant: Coast Dairies and Land Company, attn: Edith Pepper

Property Owner: Coast Dairies and Land Company (Trust for Public Lands)

Assessor's Parcel Nos. 058-021-01, 03 and 07, 058-022-1 1, 058-042-01, 058-051-05, 07, 058-121-01, 02, 058-122-09, 12, 059-011-03, 04, 05, 06, 10, 11 and 13, 059-021-02, 03 and 04 and 059-151-01

Property location and address: The property is located adjacent to both sides of Highway 1, beginning at Laguna Creek and extending north to Molino Creek to a pumping station, excluding the RMC Cement Plant and the community of Davenport.

North Coast and Bonny Doon Planning Areas

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- I. This approval authorizes the rezoning of Assessor's Parcel Numbers 058-021-01, 03 and 07, 058-022-1 1, 058-042-01, 058-121-01, 02, 058-122-09, 12, 059-011-03, 04, 05, 06, 10, 11 and 13, 059-021-02, 03 and 04 to add the Agricultural Preserve ("P") combining district to the present Commercial Agriculture ("CA") zone district, and to combine Assessor's Parcel Numbers 058-051-05 and 07 with Assessor's Parcel Number 058-042-01 and rezone APNs 058-051-05 and 07 from the Residential Agriculture ("RA") zone district to the Commercial Agriculture - Agricultural Preserve ("CA-P") zone district and to rezone Assessor's Parcel Number 059-151-01 from the Special Use ("SU") zone district to the Agriculture - Agricultural Preserve ("A-P") zone district. Prior to revision of the Zoning Map and to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the Zoning Approval Holder shall:
    - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
    - B. The Zoning Approval Holder shall record an affidavit to retain Assessor's Parcel Numbers 058-051-05, 07 and 058-042-01 as one parcel in the official records of the County of Santa Cruz (Office of the County Recorder) within 90 days of final approval of the rezoning by the Board of Supervisors. A copy of the recorded affidavit shall be retained on file with the Planning Department.
    - C. The Zoning Approval Holder shall apply for Coastal zone and other appropriate permits for the repaired and expanded agricultural dam on APN 059-011-13 within 90 days of final approval of the rezoning by the Board of Supervisors.
  - II. All work on the required permits for the dam on APN 059-011-13 shall be completed and the permit(s) finalized within one year of approval of the required Coastal Zone and related repair permits. The applicant/owner shall obtain a final inspection/clearance by the Santa Cruz County Senior Civil Engineer and Code Compliance staff.
  - III. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the Zoning Approval Holder shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

Coast Dairies and Land Co  
Application No.: 98-0869  
APNs: 058-021-01, et. al.

0295

- IV. As a condition of this rezoning approval, the holder of this rezoning approval ("Zoning Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this zoning approval of the COUNTY or any subsequent amendment of this approval which is requested by the Zoning Approval Holder.
- A. COUNTY shall promptly notify the Zoning Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Zoning Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Zoning Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Zoning Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Zoning Approval Holder shall not be required to pay or perform any settlement unless such Zoning Approval Holder has approved the settlement. When representing the County, the Zoning Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the zoning approval without the prior written consent of the County.
- D. Successors Bound. "Zoning Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 90 days of the adoption of this Zoning approval, the Zoning Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of these conditions, or this Zoning approval shall become null and void.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.