

Attachment A

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Resolution of the Monterey County Board of
Supervisors to grant a stay of the time period)
for expiration of the Vesting Tentative Map)
for Rancho Canada Village Subdivision)
Project, pursuant to Government Code)
Section 66452.6(c) and Monterey County)
Code Section 19.05.060B for up to five)
years while litigation is pending. (Stay of)
Map Expiration – PLN040061 / Rancho)
Canada Ventures, LLC (Rancho Canada)
Village Subdivision), , 4860 Carmel Valley)
Road, Carmel Valley Road, Carmel Valley)
Master Plan))

WHEREAS, on December 13, 2016, the Board of Supervisors approved the Combined Development Permit for the Rancho Canada Village Subdivision Project (“Project”) (PLN040061/ Rancho Canada Ventures, LLC) consisting of: 1) A Vesting Tentative Subdivision Map for the 130-unit Alternative, subdividing 81. 7 acres into 130 residential lots, common areas and roadways and a 39.4-acre open space lot and associated Use Permits (see Board of Supervisors Resolution No. 16-334); and

WHEREAS, on January 12, 2017, a lawsuit was filed by the Carmel Valley Association, Inc. challenging the County’s approval of the Project (*Carmel Valley Association, Inc. v. County of Monterey et al*, Monterey County Superior Court Case No. 17CV000131; Court of Appeal Case No. H046187), and that litigation is currently pending at the court of appeal; and

WHEREAS, on September 13, 2018, Jacqueline Zischke, attorney for Rancho Canada Ventures, LLC, emailed and mailed a letter to the County of Monterey Resources Management Agency requesting a stay of the Vesting Tentative Map for up to five (5) years commencing January 12, 2017 due to the litigation; and

WHEREAS, Government Code section 66452.6(c) provides that the life of a tentative subdivision map shall not include the period of time during which a lawsuit involving the approval of the tentative map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the local agency and that the local agency may stay the time period for up to five years upon request of the subdivider; and

WHEREAS, Monterey County Code Section 19.05.060.B provides that the vesting tentative map shall expire twenty-four (24) months after its approval unless litigation involving the approval of the tentative map has been filed and a stay of such time period is approved by the County following a written request of the subdivider; and

WHEREAS, without the requested stay, the map is due to expire on December 13, 2019; and

WHEREAS, staff is recommending that the Board approve the request to stay the time period of the expiration of the map while litigation is pending, up to January 12, 2022, five years from the commencement of the litigation; and

WHEREAS, the Board of Supervisors finds that approval of this litigation stay is not a project under CEQA because it is an administrative activity that will not result in direct or indirect changes in the environment (CEQA Guidelines secs. 15060(c)(3) and 15378(b)(5)).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:
Adopt a resolution granting a stay of the time period for expiration of the Vesting Tentative Map for the Rancho Canada Village Subdivision Project, pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060B, up to January 12, 2022 while litigation is pending.

PASSED AND ADOPTED on this 16th day of October 2018, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy