# Exhibit A

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### Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of: CYPRESS STABLES LLC (PLN170674) RESOLUTION NO. ----

Resolution by the Monterey County Zoning Administrator:

- Finding: the project is continued use of existing structures and facilities, and no expansion is proposed, and therefore it qualifies as a Class 1 Categorical Exemption pursuant to section 15301 of the California Environmental Quality Act Guidelines and that none of the exceptions under Section 15300.2 apply, and;
- Approving: A Use Permit to allow continued legal non-conforming use (Use Permit ZA7267) of a riding academy and stables on a lot less than 10 acres.

[PLN170674, CYPRESS STABLES LLC. 550 Aguajito Road, Carmel, CA 93923, Greater Monterey Peninsula Area Plan (APN 103-091-013-000)]

The Cypress Stables application (PLN170674) came on for public hearing before the Monterey County Zoning Administrator on June 11, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

#### FINDINGS

1. **FINDING: 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;
- Greater Monterey Peninsula Plan
- Monterey County Zoning Ordinance (Title 21);

No conflicts were found to exist. No communication was received from indicating potential inconsistencies with county code.

b) The property is located at 550 Aguajito Road (Assessor's Parcel Number 103-091-013-000), Greater Monterey Peninsula Area Plan. The parcel is zoned Rural Density Residential/ 5.1 acres per unit with Urban Reserve, Design Control, and Site Plan Overlays (RDR/5.1-UR-D-S). The RDR Zoning District allows "Uses of a similar nature, intensity, and density to those listed in this section" with a Use Permit. Public Stables are a similar Use Allowed on a minimum of ten acres

with a Use Permit. The subject property is less than 10 acres; however, the use was legally established prior to the current zoning ordinance, so the use is legal non-conforming. No structural changes are proposed, so no additional permit is needed to fulfill requirements of the Design Control or Site Plan zoning districts.

- c) The use is consistent with regulations for allowing a legal nonconforming land use to continue from the time the legal nonconforming land use is established (Section 21.68.020). (See Finding 2.)
- d) The project meets required development standards found in section 21.14.060 for the RDR zoning category including setbacks. All existing structures meet the required setbacks and no new structures are proposed. The property is under the maximum coverage limit of 25 percent. Current coverage is 7.7 percent. No additional coverage is proposed.
- e) The project planner conducted a site inspection on March 4, 2020 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project was referred to the Monterey Peninsula Land Use Advisory Committee (LUAC) for review. It was referred to the LUAC on staff discretion since the project involves an expired Use Permit. The LUAC voted 3-0 to recommend approval of the project with a change to a previous condition of approval to limit the number of horses from thirtyfive (35) to thirty (30) based on a concern from a neighboring property owner. The property owners discussed this recommendation after the LUAC meeting and decided not to agree to this change based on the history of no complaints regarding the property or the number of horses, the current capacity of the stables to accommodate 32 horses, and the potential effect on the financial viability of the property caused by limiting the number of horses.
- g) 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 PLN170674.

## 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, RMA-Public Works, Fire, RMA-Environmental Services, 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 conducted a site inspection on March 4, 2020 to verify that the site is suitable for this use.
  - c) The 1989 Use Permit (ZA-7267) indicated the site supported the existing use, and that the use had been in place for at least 20 years. Although the Use Permit expired in 2009, no changes to the site are proposed that would indicate the site can no longer support the proposed 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 PLN170674.

# 3. **FINDING: LEGAL NONCONFORMING USE** – The project is consistent with standards for continuation of a legal nonconforming use pursuant to Section 21.68.020.

- a) A Use Permit (ZA-7267) was issued by the Zoning Administrator on December 14, 1989 and found that the use was consistent with Monterey County policies in place at the time, and that the facilities and use has been in place for at least 20 years. The Zoning Ordinance in place at the time identified riding academies and public stables as a Use Permitted with a Use Permit required, with no limitation on parcel size (Chapter 20.51.030 – Regulations for Rural – Residential or RR Districts, 1981 Zoning Ordinance)
- b) The use is not proposed to be expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established
- c) The use is not proposed to be intensified over the level of use that existed at the time the legal nonconforming use was established. The riding academy will remain the same size and will continue the same operations.
- 4. **FINDING: HEALTH AND SAFETY -** The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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 and Monterey County Environmental Health Bureau. The agencies 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 project remains in compliance with the Conditions of Approval for the previous permit. All relevant conditions have been carried forward as Conditions of Approval for this permit.
    - c) Necessary public facilities are available. Water is currently and will continue to be supplied by both California American Water Service and a by a private well. An existing onsite septic system will continue to serve the property.
    - d) Staff conducted a site inspection on March 4, 2020 to verify that the site is suitable for this use.
    - e) 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 PLN170674.

- 5. **FINDING: NO VIOLATIONS -** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any
  - evidence other applicable provisions of the County's zoning ordinance. EVIDENCE: a) Staff reviewed Monterey County RMA - Planning and Building
    - **E:** a) Stall reviewed Monterey County KMA Planning and Building Services Department records and is not aware of any violations existing on subject property.
      - b) Staff conducted a site inspection on March 4, 2020 and researched County records to assess if violations exist on the subject property.
      - c) Zoning violation abatement costs, if any, have been paid.
      - d) 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 PLN170674.

# 6. **FINDING: CEQA (Exempt): -** The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- **EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts operation of existing public or private structures and facilities involving negligible or no expansion
  - b) The project is continued use of existing structures and facilities, and no expansion is proposed.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on March 4, 2020
  - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
  - e) Staff conducted a site inspection on March 4, 2020 to verify that the site is suitable for this use.
  - f) 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 PLN170674.
- 7. **FINDING: APPEALABILITY -** The decision on this project may be appealed to the Planning Commission
  - **EVIDENCE:** a) Section 21.84.040 of the Monterey County Zoning Ordinance states that the Planning Commission is the appeal authority for discretionary decisions of the Zoning Administrator.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find: the project is continued use of existing structures and facilities, and no expansion is proposed, and therefore it qualifies as a Class 1 Categorical Exemption pursuant to section 15301 of the California Environmental Quality Act Guidelines and that none of the exceptions under Section 15300.2 apply, and;

2. Approve: A Use Permit to allow continued legal non-conforming use (Use Permit ZA7267) operation of a riding academy and stables on a lot less than 10 acres.

In general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference

**PASSED AND ADOPTED** this 11<sup>th</sup> day of June, 2020.

Mike Novo, Zoning Administrator

#### COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION 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.

Form Rev. 5-14-2014

## Monterey County RMA Planning

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

PLN170674

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation** This Use Permit (PLN170674) allows continued operation of a legal non-conforming **Monitoring Measure:** riding academy. The property is located at 550 Aguajito Rd, Carmel, CA 93923 (Assessor's Parcel Number 103-091-013-000), Greater Monterey Peninsula 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 -Any use or construction not in substantial conformance with the terms and Planning. 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: Compliance or Monitoring Action to be Performed:

#### 2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

"A Use Permit (Resolution Number \*\*\*) was approved by the Zoning Administrator for Assessor's Parcel Number (103-091-013-000) on June 11, 2020. The permit was granted subject to 21 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<br/>MonitoringPrior to the issuance of grading and building permits, certificates of compliance, or<br/>commencement of use, whichever occurs first and as applicable, the Owner/Applicant<br/>shall provide proof of recordation of this notice to the RMA - Planning.

#### 3. PDNS\_ACCESS\_(PREVIOUS CONDITION)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Access: road- width, vertical clearance, grade, driveway and bridges to meet General Plan requirements. Site driveway to provide clear access for emergency apparatus; do not block by parking. (California Department of Forestry)

Compliance or<br/>Monitoring<br/>Action to be Performed:Access: road- width, vertical clearance, grade, driveway and bridges to meet General<br/>Plan requirements. Site driveway to provide clear access for emergency apparatus; do<br/>not block by parking. (California Department of Forestry)

#### 4. PDNS\_ANIMAL WASTE\_(PREVIOUS CONDITION)

Responsible Department: Health Department

Condition/Mitigation All animal wastes must be prevented from entering any natural drainage course, Monitoring Measure: creek, lake, stream, pond, ocean or other such surface waters. (Health Department)

Compliance or Monitoring Action to be Performed: All animal wastes must be prevented from entering any natural drainage course, creek, lake, stream, pond, ocean or other such surface waters. (Health Department)

#### 5. PDNS\_CARETAKER'S HOUSE\_(PREVIOUS CONDITION)

Responsible Department: RMA-Planning

Condition/Mitigation CONDITION FROM PREVIOUS PERMIT ZA-7267 Monitoring Measure:

The caretaker's house not be put on the one acre stable area, but located on a suitable site of the contiguous 7- plus acres.

Compliance or The caretaker's house not be put on the one acre stable area, but located on a Monitoring suitable site of the contiguous 7- plus acres.

#### 6. PDNS\_DRIVEWAY IMPROVEMENTS\_(PREVIOUS CONDITION)

Responsible Department: RMA-Planning

**Condition/Mitigation** The applicant obtain an encroachment permit and construct facilities on road frontage to provide proper driveway to off street parking and other driveway controls.

Compliance or Monitoring Action to be Performed: The applicant obtain an encroachment permit and construct facilities on road frontage to provide proper driveway to off street parking and other driveway controls.

#### 7. PDNS\_FIRE CLEARANCE\_

Responsible Department: RMA-Planning Condition/Mitigation Monitoring Measure: Clearance: 30.1 minimum clearance of flammable vegetation as required by Public Resources Code Section 4291, subject to the approval of the California Department of Forestry.

Compliance or<br/>Monitoring<br/>Action to be Performed:Clearance:30.1minimum clearance of<br/>flammable vegetation as required by Public<br/>Resources Code Section 4291, subject to the approval of the California Department of<br/>Forestry.

#### 8. PDNS\_FLY CONTROL\_(PREVIOUS CONDITON)

Responsible Department:	RMA-Planning	
Condition/Mitigation Monitoring Measure:	CONDITION FROM PREVIOUS PERMIT ZA-7267	
	Adequate fly control measures be undertaken on a continuing basis on this property.	
Compliance or Monitoring	Adequate fly control measures be undertaken on a continuing basis on this property.	

#### 9. PDNS\_GATE ACCESS\_(PREVIOUS CONDITION)

#### Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Action to be Performed:

Gate(s): access gate(s) must have keyed switch or padlock for Fire Department
emergency access, per Fire Department specifications.

Compliance or Monitoring Action to be Performed:

Gate(s): access gate(s) must have keyed switch or padlock for Fire Department emergency access, per Fire Department specifications.

#### 10. PDNS\_GREENBELT\_(PREVIOUS CONDITION)

#### Responsible Department: RMA-Planning

**Condition/Mitigation** That not less than 50 foot or more than 80 foot setback be held from Aguajito Road, to be devoted to a green-belt, and so landscaped.

Compliance or Monitoring Action to be Performed: Compliance or Monitoring Action to be Performed: Compliance or Monitoring Action to be Performed:

#### 11. PDNS\_MANURE REMOVAL\_(PREVIOUS CONDITION)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Manure removal must be conducted on a schedule to prevent fly breeding.

Compliance or Monitoring Action to be Performed:

#### 12. PDNS\_NO PUBLIC SHOWS\_(PREVIOUS CONDITION)

Responsible Department:	RMA-Planning		
Condition/Mitigation Monitoring Measure:	CONDITION FROM PREVIOUS PERMIT ZA-7267		
	No public shows (horse, academy, etc.) will be permitted on the 8 acre plus parcel for which this Use Permit is granted.		
Compliance or Monitoring Action to be Performed:	No public shows (horse, academy, etc.) will be permitted on the 8 acre plus parcel for which this Use Permit is granted.		

Manure removal must be conducted on a schedule to prevent fly breeding.

#### 13. PDNS\_NO TRANSIENT OCCUPANCY\_(PREVIOUS CONDITION)

Responsible Department:	RMA-Planning	
Condition/Mitigation Monitoring Measure:	Previous Condition from ZA7267	
	No transient overnight occupancy permitted.	
Compliance or Monitoring Action to be Performed:	No transient overnight occupancy permitted.	

#### 14. PDNS\_NUMBER\_OF\_HORSES\_(PREVIOUS CONDITION)

#### Responsible Department: RMA-Planning

#### Condition/Mitigation CONDITION FROM PREVIOUS PERMIT ZA-7267 Monitoring Measure:

Not more than thirty-five horses or ponies (no other kinds of animals permitted) may be stabled on the one acre parcel set aside for stabling.

Compliance or Monitoring Action to be Performed: Monitoring Monitoring Action to be Performed: Monitoring Monit

#### 15. PDNS\_PARCEL SIZE\_(PREVIOUS CONDITION)

#### Responsible Department: RMA-Planning

Condition/Mitigation CONDITION FROM PREVIOUS PERMIT ZA-7267 Monitoring Measure:

If the contiguous parcel of property of which the one acre stable area is part is reduced by sale or otherwise to less than five acres, this Use Permit is void.

Compliance or If the contiguous parcel of property of which the one acre stable area is part is Monitoring reduced by sale or otherwise to less than five acres, this Use Permit is void.

#### 16. PDNS\_PLOT PLAN\_(PREVIOUS CONDITION)

Responsible Department: RMA-Planning

**Condition/Mitigation** That the applicant submit a complete plot plan of the property and development. **Monitoring Measure:** 

Compliance or Monitoring Action to be Performed: That the applicant submit a complete plot plan of the property and development.

#### 17. PDNS\_SEWAGE DISPOSAL SYSTEM\_(PREVIOUS CONDITION)

Responsible Department:	RMA-Planning				
Condition/Mitigation Monitoring Measure:	CONDITION FROM PREVIOUS PERMIT ZA-7267				
	The design of the sewage disposal system to be approved by the Monterey County Health Department.				
Compliance or Monitoring Action to be Performed:	The design of the sewage disposal system to be approved by the Monterey County Health Department.				

#### 18. PDNS\_SMOKE DETECTORS\_

#### Responsible Department: RMA-Planning

**Condition/Mitigation** Smoke Detectors: install detectors on every floor and in vicinity of sleeping areas, subject to the approval of the California Department of Forestry.

Compliance or Smoke Detectors: install detectors on every floor and in vicinity of sleeping areas, Monitoring Subject to the approval of the California Department of Forestry.

#### 19. PDNS\_STABLE SIZE\_(PREVIOUS CONDITION)

Responsible Department:	RMA-Planning
Condition/Mitigation Monitoring Measure:	CONDITION FROM PREVIOUS PERMIT ZA-7267
	The stable area shall be restricted to one acre.
Compliance or Monitoring Action to be Performed:	The stable area shall be restricted to one acre.

#### 20. PDNS\_STABLE USE\_(PREVIOUS CONDITION)

#### Responsible Department: RMA-Planning

Condition/Mitigation CONDITION FROM PREVIOUS PERMIT ZA-7267 Monitoring Measure:

On the one acre' permitted for stable usage, the only buildings permitted will be those required for the proper stabling and care of horses or ponies (stalls, feed rooms, tack rooms, and the like).

Compliance or Monitoring Action to be Performed: Action to be Performed: On the one acre' permitted for stable usage, the only buildings permitted will be those required for the proper stabling and care of horses or ponies (stalls, feed rooms, tack rooms, and the like).

#### 21. PDNS\_STREET NUMBERS\_(PREVIOUS CONDITION)

Responsible Department:	RMA-Planning		
Condition/Mitigation Monitoring Measure:	Condition from ZA7267:		
	Identification: prior to site work, street address must be posted, visible from street, 4" numerals contrasting with background, subject to the approval of the California Department of Forestry		
Compliance or Monitoring Action to be Performed:	Identification: prior to site work, street address must be posted, visible from street, 4" numerals contrasting with background, subject to the approval of the California Department of Forestry		



