

Exhibit G

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**EXHIBIT G
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

CVR HSGE LLC (PLN180516)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Certifying that the Planning Commission has considered the previously adopted Mitigated Negative Declaration (dated July 15, 2007); and
- 2) Extending for three years (until March 9, 2022) an approved Combined Development Permit, consisting of a Vesting Tentative Map for a subdivision of approximately 218 acres into 12 residential lots and 4 open space parcels, development on slopes greater than 30%, and removal of 193 trees for three years.

[PLN180516, CVR HSGE LLC, 1 Old Ranch Road, Carmel Valley, Carmel Valley Master Plan (APN: 416-522-020-000 and 416-522-017-000)]

The CVR HSGE LLC (“Oakshire/Land Reserve Subdivision”) application (PLN180516) came on for public hearing before the Monterey County Planning Commission on March 10, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

- 1. FINDING:** **PROJECT DESCRIPTION** - The County has received and processed a second Permit Extension to PLN0020280 (BOS Resolution No. 06-366) as previously extended under file number PLN150751 (Planning Commission Resolution No. 16-008)

EVIDENCE: (a) The project is located on the Carmel Valley Ranch property at 1 Old Ranch Road, in Carmel Valley (Assessor’s Parcel Numbers: 416-522-020-000 & 416-522-017-000). The parcels are zoned Open Space, with Design Control and Site Plan Review overlay districts or [O-D-S] and are subject to an approved specific plan for the Carmel Valley Ranch. The project includes an extension to a previously approved Combined Development Permit consisting of a Vesting Tentative Map (VMT) for the subdivision of approximately 218 acres into 12 residential lots and 4 open space parcels, development on slopes greater than 30%, and removal of 193 trees for three years. As part of the original approval a zoning amendment

was also adopted. The zoning amendment does not take effect until a final map for the subdivision is recorded.

- (b) Due to litigation surrounding approval of the subdivision, on July 24, 2007, the Board of Supervisors issued Resolution No. 07-287 clarifying that the expiration date for the VTM was “688 days after the current litigation is no longer pending or subject to appeal before the Court of competent jurisdiction.” The Superior court entered judgment on the case on June 15, 2007 upholding the County’s approval of the subdivision. As such, expiration of VTM was moved 688 days from June 15, 2007 and set to expire on April 19, 2009.
- (c) The Vesting Tentative Map approval was automatically extended by a series of legislative actions enacted during the recession. These legislative extensions are codified in Sections 66452.21, 66452.22, 66452.23, and 66452.24 of the Subdivision Map Act. Cumulatively, the legislative map extensions extended the expiration of the Vesting Tentative Map through January 9, 2016.
- (d) On March 9, 2016, the Planning Commission approved a three-year extension to the Vesting Tentative Map (PLN150751 – PC Resolution 16-008). Therefore, the map was extended three-years and set to expire on March 9, 2019.
- (e) On November 13, 2018, more than 60 days prior to expiration of the Vesting Tentative Map, the applicant submitted a written request to extend the approval for another three years (PLN180516). The map expiration has been stayed while staff processed this extension.
- (f) All applicable conditions of approval from PLN020280 have been carried forward in this extension to the expiration date of the entitlements.
- (g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project Files PLN020280, PLN150751, and PLN180516.

2. FINDING:

CONSISTENCY - The Permit Extension includes no changed circumstances from the previously approved permit(s). The original permit PLN020280 will continue to be referred to as the approved permit.

EVIDENCE:

- (a) The original subdivision was subject to the 1982 General Plan and Carmel Valley Ranch Specific Plan. The 2010 General Plan has since been adopted but maintains the special treatment designation and recognizes that the site is subject to the Carmel Valley Ranch Specific Plan (Policy CV- 1.22). Findings and evidence from PLN020280 (Board of Supervisors Resolution No. 06-366) and the extension PLN150751 (Planning Commission Resolution No. 16-008) have been carried forward to this extension PLN180516.
- (b) The applicant has requested a second extension to the previously approved project due to delays from past litigation, the economic downturn, and a change in ownership of the property. They are requesting additional time to comply with applicable conditions in pursuit of filing a final map for the site.
- (c) The subject extension is the second three-year extension for the

subject project and will result in a total authorized extension period of six years combined. Section 19.05.065 of Title 19 of the Monterey County Code (Inland Subdivision Ordinance) authorizes the Planning Commission to grant an extension(s) not to cumulatively exceed three years for standard subdivisions. In contrast, Section 66452.6(e) of the Subdivision Map Act authorizes local governments to approve or conditionally approve extensions to tentative maps or vesting tentative maps for a period or periods not exceeding a total of six years. The difference between Title 19 and the Subdivision Map Act timeframes for extensions is a result of a change in the Map Act that has not been reflected in Title 19 as of the date of this resolution. As it applies to changes in State Law that are not reflected in the local subdivision regulations, Section 19.01.065 of Title 19 of the Monterey County Code states: “The provisions of this Title are mandated by the Subdivision Map Act are subject to change without notice or action by the County in the event the State Legislature amends the Subdivision Map Act. This Title will be periodically updated to reflect such changes.” Given that Title 19 has not been updated to reflect the six-year maximum extension provisions contained in the Subdivision Map Act, the County may allow a maximum extension of Vesting Tentative Maps not to exceed six years pursuant to the State law and the state pre-emption language contained in Section 19.01.065 of Title 19. This extension is the second three-year extension, which when combined with the previously three-year extension would result in cumulative extensions totaling six years.

- (d) All conditions of approval and mitigations applicable to PLN020280 (Resolution No. 06-366) have been carried forward to this permit PLN180516. PLN020280 shall remain the operating permit for Condition Compliance and Mitigation Monitoring. New conditions added have been added to this extension requiring recordation of a permit approval notice for the extension and removal of the barn that was constructed on the parcel before the final map is filed. These conditions are additive of the conditions in PLN020280 and PLN150751.

3. FINDING:

VIOLATIONS – The subject property is not in compliance with all rules and regulations pertaining to zoning uses and other building requirements. Violations existed on the property including construction of equestrian facilities, however, permits have been approved that resolve those violations.

EVIDENCE:

- (a) A Code enforcement case is pending on Assessor’s Parcel Number 416-522-020-000 (18CE00047) for the construction of equestrian facilities and related structures without permits.
- (b) The violation is located on proposed Lot 6 of the Vesting Tentative Map. A separate application (PLN180281) has been approved by the Planning Commission to clear the existing violation. The Planning Commission approved a permit, (PLN180281) on June 24, 2020 (Resolution No 20-021), for an after the fact Design Approval to clear Code Enforcement Case 18CE00047, to allow the construction

horse stable, hay barn; and entry gate. As a condition of approval of that permit, the equestrian facilities are required to be removed from the property (under permit) prior to filing of a final map for the subdivision. That condition is being carried forward in this amendment/extension.

- (d) A construction permit (Permit No. 18CP00809) has been issued to clear code enforcement case 18CE0047 and continue construction of the horse facility. Construction pursuant to the approved permits is currently underway. The violation will not be cleared by the Code Enforcement until the construction permit is finalized however, construction is currently occurring in conformance with County regulations and with appropriate permits in place.
- (e) Approval of this extension will not restrict the ability of the County to enforce the County Code with regard to the existing violation.
- (f) If and when the final map (PLN020280) is recorded, the zoning applicable to Lot 6 will change to "LDR/B-6-D-S" (Low-Density Residential with Building Site, Design, and Site Plan overlays). Therefore, the horse stables, barn, associated facilities shall be demolished prior to the final map. This has been incorporated as a condition of approval for this permit (Condition #4).

3. FINDING:

CEQA - This Permit Extension does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was a Mitigated Negative Declaration.

EVIDENCE:

- (a) A Revised Mitigated Negative Declaration (MND) was prepared for PLN020280 at the time the vesting tentative map was re-approved by the Board of Supervisors. The Revised MND was circulated for public review from September 29, 2006 to October 18, 2006.
- (b) The project complies with the provisions contained with CEQA Section 15162 because no substantial changes are proposed to the project or map which require major revisions of the MND; no substantial changes have occurred with respect to circumstances under which the project was undertaken that require major revisions to the MND; and no new information of substantial importance has been submitted to the County of Monterey.
- (c) The original Combined Development Permit (PLN020280 - BOS Resolution No. 06-366) which consisted of: 1) Vesting Tentative Map for the subdivision of a 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees.
- (d) The Revised Mitigated Negative Declaration (MND) identified potential significant impacts related to aesthetics and geology/soils, and recommended mitigation measures requiring then staking/flagging and visibility analysis of the proposed building envelope on Lot No. 2 prior to final delineation (aesthetics); and revisions to the building envelopes on all lots ensuring that envelopes are located to at least 100 feet from slopes greater than 30% and match

the "geologically suitable building envelope" areas identified the Preliminary Geologic Investigation (geology/soils). These mitigation measures have been carried forward with the three (3) year map extension.

- (e) The VTM (PLN020280) involved a transfer of development rights from 11 existing and undeveloped lots in the Oakshire area and one lot in the "Land Reserve" area of the Carmel Valley Ranch to 12 new lots. No new lots were created through the VTM and the number of lots within the area of the Carmel Valley Ranch and Carmel Valley Master Plan did not increase. Based on the transfer of development right, the Revised Mitigated Negative Declaration (Section 15 - Transportation/Traffic) determined that the VTM application would not result in an adverse impact on any of the nearby intersections or Carmel Valley Road segments. The VTM was subject to the Carmel Valley Road improvements impact fee, which was adopted to fund needed improvements to Carmel Valley Road in response to actual and anticipated traffic increases. The extension request will not result in additional lots or additional traffic beyond what was previously anticipated and/or generated. The extension request will carry forward the condition/requirement to pay the applicable Carmel Valley Road improvement impact fees.
- (f) The Revised Mitigated Negative Declaration contains a review of the history of the existence of water availability resources (Section 16- Utilities and Service Systems). The review/analysis of the water availability for the VTM shows in substantial detail that the proposed water sources for the VTM are valid and how they were maintained and allocated to the project through the years. The Revised Mitigated Negative Declaration contained a table identified as "Table 16.1 - Water Credit Summary" which demonstrated that the Carmel Valley Ranch maintained 8.807 acre feet/year of water availability, which is sufficient to serve this VTM application. While the VTM has remained valid, these particular water credits have also remained valid and allocated to the VTM application.
- (g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed amendment found in Project Files PLN020280 and PLN150751.

4. **FINDING:** **APPEALABILITY** - The decision on this permit extension may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 19.16.020 of the Monterey County Subdivision Ordinance (Title 19 of the Monterey County Code).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Certify that the previously adopted Mitigated Negative Declaration has been considered and no new environmental review is required pursuant to CEQA Guidelines Section 15162; and;
2. Extend for three years, until March 9, 2022, a Combined Development Permit, including a Vesting Tentative Map for a subdivision of approximately 218 acres into 12 residential lots and 4 open space parcels, development on slopes greater than 30%, and removal of 193 trees for three years.

PASSED AND ADOPTED this 10th day of March 2021 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Erik Lundquist, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD 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.

NOTES

1. This permit expires on March 9, 2022.

Monterey County RMA Planning

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

PLN180516

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: An amendment and three year extension (until March 9, 2022), of an approved Combined Development Permit, including a Vesting Tentative Map for a subdivision of approximately 218 acres into 12 residential lots and 4 open space parcels, development on slopes greater than 30%, and removal of 193 trees for three years. The amendment would add a condition of approval requiring demolition of equestrian facilities prior to recordation of the final map. ("Oakshire/Land Reserve subdivision" (PLN180516) [Original File No. PLN020280; previously extended by under File No. PLN150751]. 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 HCD- Planning. 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 the appropriate authorities approve additional permits. 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. (HCD -Planning)

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: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A request to extend an approved Combined Development Permit and Vesting Tentative Map (Resolution Number _____), was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 416-522-020-000 and 416-522-017-000 on March 10, 2021. The Extension was granted subject to 3 new conditions of approval and 223 original conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD-Planning."

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD- Planning.

3. REZONING REGULATIONS & DEVELOPMENT STANDARDS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The County has previously approved a Combined Development Permit which includes a standard subdivision Vesting Tentative Map affecting the subject site. (Board of Supervisors Res. No. 04-258, dated July 13, 2004/PLN020280). The Board concurrently adopted a zoning ordinance rezoning the property to LDR/B-6-D-S, effective upon recordation of the final map. Prior to filing the Final Map (PLN02080) for the subdivision, the applicant/owner shall obtain a permit, demolish the equestrian facilities on the land reserve/Lot 6 parcel, and final said permit.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition and submit a separate building permit application to demolish the existing equestrian facilities onsite.