

Exhibit B

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**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

ANTLE MIKE V TR ET AL (PLN190204)

RESOLUTION NO.

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project is not subject to CEQA pursuant to the common sense exemption of the Guidelines Section 15061(b)(3) because the proposed activity includes no foreseeable effect on the environment; and
- 2) Approving a vesting tentative map for a Minor Subdivision splitting one parcel (47.255 acres) into two parcels of 8.0 acres (Parcel 1) and 39.255 acres (Parcel 2).

(PLN190204), ANTLE MIKE V TR ET AL, 701 Monterey-Salinas Highway, Salinas, CA, Toro Area Plan (APN: 161-251-002-000).

The Antle application (PLN190204) for a vesting tentative map for a minor subdivision came on for hearing before the Monterey County Planning Commission on March 31, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Planning Commission 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. The Project is a vesting tentative map for minor subdivision of one 47.255-acre legal lot of record (Assessor's Parcel Number 161-251-002-000) into two parcels:
 - Parcel 1 at 8.0 acres, and
 - Parcel 2 at 39.255 acres.

- EVIDENCE:** a) During the course of review of this application, the project was reviewed for consistency with the text, policies, and regulations of the:
- 2010 Monterey County General Plan;
 - Toro Area Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19);
- The project includes a subdivision within the Building Site 8 (B-8) Zoning district. Chapter 21.42 of the Zoning Ordinance (Title 21) establishes a B-8 District to restrict intensification of use that would potentially place additional burden on constrained resources, in this

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case water. Therefore, a condition of approval is applied to the resulting parcels that would prohibit the newly formed properties from intensification of water use until such time as the Building Site 8 is lifted (See Finding 5). The project is consistent with the other relevant regulations and policies.

- b) The property is located at 701 Monterey-Salinas Highway in Salinas, CA (Assessor Parcel Numbers 161-251-002-000) and zoned Low Density Residential with building site and visual sensitivity overlays [LDR/B-8-VS(20')]. Pursuant to Section 19.04.005 of Title 19, approval of a minor subdivision application may be granted for a tentative parcel map proposing four or less parcels. The proposed vesting tentative parcel map would divide one lot into two. The proposed lot split is consistent with the LDR District which allows a minimum parcel size of 1 acre. The subdivision includes creation of two lots totaling 8 acres and approximately 40 acres. Therefore, the project application is for a minor subdivision (See Finding 6).
- c) Policy T-1.7 of the Toro Area Plan establishes a policy limiting development to the first single family dwelling per lot for the purpose of protecting groundwater in the El Toro groundwater area. As mapped in the 2010 General Plan, properties north of Highway 68, including the subject property, are not within the Policy T-1.7 area (GP Figure LU-10).
- d) The existing 47.255-acre lot contains one single family dwelling, a guesthouse, and an equestrian barn and stables. The proposed subdivision would place the dwelling and guesthouse on an 8-acre lot (Parcel 1) and the equestrian facility would be located on the 39.255-acre lot (Parcel 2).
- e) Existing development on the lot is not visible from scenic Highway 68 or any other public viewing area. No construction or site improvements are included with this project. Therefore, no visual assessment was required to satisfy the VS category of the parcel.
- f) Pursuant to Section 19.04.025.F of Title 19, the Planning Commission is the appropriate decision making body to consider an application for a minor subdivision if there is evidence of public controversy. Since this project requires a B-8 zoning district policy interpretation, the Planning Commission's consideration is warranted. Therefore, the HCD Director referred this project to the Planning Commission for consideration.
- g) Pursuant to Section 19.04.005 of Title 19, a tentative parcel map is required for a Minor Subdivision unless the requirement is waived by the appropriate decision making body, or unless the subdivision is for either a portion of the operating right-of-way of a railroad corporation or land conveyed to/from a public utility. These circumstances do not apply to this project; therefore, a tentative parcel map is required for approval of this Minor Subdivision.
- h) Pursuant to Section 19.05.005 of Title 19, a vesting tentative map may be approved and filed in place of a tentative parcel map. Therefore, submittal of the vesting tentative map for this minor

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subdivision is in accordance with the Monterey County Subdivision Ordinance (See Finding 9).

- i) Pursuant to Policy PS-3.1 of the 2010 General Plan, the applicant must provide evidence of assured long-term sustainable water supply for both quality and quantity. No further development beyond the existing equestrian facility is proposed. An equestrian facility will remain on Parcel 2, while Parcel 1 is developed with a single family dwelling and guesthouse, neither of which require additional water usage beyond that currently existing. It is reasonably foreseeable that Parcel 2 could be developed with a single family dwelling in the future; however, a condition requiring any potential future development not increase water demand on the parcel has been applied. No construction or development is included in this project. Therefore, implementation of the minor subdivision would have a net zero contribution to water demand.
- j) PS-3.1 of the 2010 General Plan requires evidence of long-term sustainable water supply in terms of yield and quality for all lots created through subdivision. See Finding 6.
- k) Policy PS-3.2 of the 2010 General Plan provides the factors used in developing criteria for proof of a long-term sustainable water supply. Adequate water quality from the onsite well has been verified by the Environmental Health Bureau. An application for a small water system has been submitted to Environmental Health. Technical, managerial, and financial assurances for the maintenance and operation of the water system are included in the application. No increase in demand on ground water will be allowed.
- l) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN190204.

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: HCD-Planning, Monterey County Regional Fire District (RFD), HCD-Development, HCD-Environmental Services, and the 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) Access to the parcel exists on a paved road off Highway 68. The existing access would remain as the access to both parcels formed from the subdivision, in accordance with Policy T-2.7 of the Toro Area Plan that prohibits new direct access points for single family residences onto Highway 68. No comments were received from Monterey County RFD on the appropriateness of the road for fire protection service by the fire department.
 - c) Monterey County RFD provided a comment for acknowledgement of fire hydrant coverage for two parcels instead of one parcel. The

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applicant is required to create a small water system to draw from the existing well that would separate water provision to two parcels instead of one. Condition No. 5 requires that prior to approval of the final map, the water system division be memorialized on the VTM in accordance with Condition No. 8 applied by EHB to obtain a 2-connection small water system permit. Therefore, each of the newly-formed parcels would receive separate fire hydrant coverage.

- d) The applicant provided historic water use data of the property developed with both the equestrian facility and the residential home at an estimated 13.53 acre feet per year (AFY). Prior to recordation of the final map, the applicant/owner shall submit to EHB and HCD-Planning for review and approval a note on the vesting tentative map with allocation for each parcel created by the subdivision a water demand cap, not to exceed a cumulative 13.53 AFY total.
- e) The draft of the VTM indicates two septic disposal replacement/repair areas, one each for the resulting separate parcels in conformance with the EHB Local Agency Management Program (LAMP) for onsite wastewater treatment systems (OWTS) that have been reviewed and approved by EHB.
- f) HCD-Development reviewed the project proposal and applied Condition Nos. 6 and 7 to include all utility companies' recommendations for required easements and professional survey of all existing and proposed rights-of-way easements, respectively.
- g) No new structures or uses are proposed as part of this action.
- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN190204.

3. **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 HCD-Planning, Monterey County Regional Fire District, HCD-Development, HCD-Environmental Services, and Environmental Health Bureau. The respective agencies found that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood and no conditions were recommended.
 - b) The site is served by an onsite well and septic systems. A small water system will be created to serve both proposed lots using the existing well (Condition No. 8). Adequate water quality and quantity can be produced by the existing well.
 - c) Condition No. 3 requires a deed restriction be recorded against the resulting parcels that prohibits development and intensification of land use that would increase water use or water demand over 13.53

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AFY, until such time as the B-8 overlay district is removed. Allocation to each resulting parcel is necessary to provide water usage caps that shall be recorded on the final map, thereby prohibiting intensification of water use. Prior to recordation of the final map, water allocation from the 13.53 AFY to each parcel resulting from the subdivision shall be submitted to EHB and HCD-Planning for review and approval, and placement of the approved allocations a note on the final map.

- d) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed minor subdivision found in Project File PLN190204.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records finding no violations existing on subject property. There are no known violations on the subject parcel.
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN190204.

5. **FINDING:** **ENVIRONMENTAL REVIEW** - The project is not subject to the California Environmental Quality Act (CEQA) for environmental review in accordance with the common sense exemption of CEQA Guidelines Section 15061(b)(3).

- EVIDENCE:**
- a) CEQA Guidelines Section 15061(b)(3) exempts projects that can be viewed with certainty not to have a significant effect on the environment. The proposed activity is division of one parcel into two separate parcels and extension of the access and utility easement, and includes no construction or development that would have a substantial adverse change on any physical conditions that exist within the area in accordance with definitions of "environment" and "significant effect on the environment" in Public Resources Code (PRC) Division 13, Chapter 2.5. Therefore, common sense indicates there is no possibility the project would have a significant effect on the environment.
 - b) The custodian of documents and materials, which constitute the record of proceedings, upon which the decision is based is the County Housing and Community Development, 1441 Schilling Place South, 2nd floor, Salinas, California.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN190204.

6. **FINDING:** **MINOR SUBDIVISION** – The minor subdivision proposal conforms to the regulations of the California Government Code

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(Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code governing the requirements to allow subdivision of a parcel into five or fewer lots. The minor subdivision complies with relevant policies of the 2010 General Plan that set forth requirements for approval of land subdivision. See Finding 1.

- EVIDENCE:**
- a) The project would divide one 47.255-acre parcel into two lots. Therefore, the project is governed by the provisions of Section 66411.1 – Improvements for Divisions of Land which is not a Subdivision of Five or More Lots (California Government Code), along with those of Chapter 19.04 – Minor Subdivisions (Monterey County Code) of Title 19.
 - b) Pursuant to Section 19.04.025 of Title 19, provisions of the minor subdivision must not conflict with easements acquired by the public at large, for access through, or use of, property within the proposed subdivision. Condition No. 5 requires that existing and required easements and rights-of-way be identified on the final parcel map. The existing road atop the access and utility easement extension remains as the access road to each parcel created by the subdivision and does not conflict with any existing or required easements or rights-of-way.
 - c) No construction or development is included in this project. Therefore, implementation of the minor subdivision would have a net zero contribution to the septic system. Notwithstanding, future project proposals on either of the newly formed parcels that require additional septic system capacity shall be subject to review by the County of Monterey Bureau of Environmental Health (EHB) for evaluation of the need for septic system infrastructure.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN190204.

7. **FINDING:** **VESTING TENTATIVE MAP** – The Vesting Tentative Map submitted for proposal of the Minor Subdivision conforms to the regulations of state and local jurisdictions for approval of a vesting tentative map.

- EVIDENCE:**
- a) The vesting tentative map (Section 19.05.055 of Title 19) is physically suitable for the minor subdivision (Finding 2), is not likely to cause serious public health problems (Finding 3) or substantial environmental damage (Finding 6), is consistent with the Toro Area Plan (Findings 1 and 2), and would not conflict with access easements through Parcel 2 (Finding 2).
 - b) Requirements for submittal of the vesting tentative map are modified to comply with those of the HCD Director in accordance with Section 19.05.035.P of Title 19 whenever the Director finds that circumstances justify such modifications. The applicant proposes no construction or development on either newly developed parcel, now or in the future. Notwithstanding the applicant's intent not to intensify water use or demand with new development on the newly formed parcels, Condition No. 5 requires, prior to final map approval, submittal of a VTM in

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accordance with the provisions of Chapter 19.05 of Title 19.

Conformance with these provisions ensures potential future owners of either newly-formed parcel do not incur the burden of implementing requirements of subdivision approval.

- c) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development area found in Project File PLN190204.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: a) Per Section 19.16.020.A of the Monterey County Subdivision Ordinance (Title 19), the decision on this project may be appealed to the Board of Supervisors.

DECISION

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

- A. Find the project is not subject to CEQA pursuant to the common sense exemption of the Guidelines Section 15061(b)(3) because the proposed activity includes no construction or development that would have a significant effect on the environment; and
- B. Approve a vesting tentative map for a minor subdivision splitting one parcel (47.255 acres) into two parcels of 8.0 acres (Parcel 1) and 36.909 acres (Parcel 2), in general conformance with the attached map and subject to conditions, both being attached hereto, and incorporated herein, by reference.

PASSED AND ADOPTED this 31st day of March 2021

Erik Lundquist, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS DECISION 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 OF 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 2 years after the above date of granting, thereof.

Monterey County RMA Planning

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

PLN190204

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Vesting Tentative Map (PLN190204) allows Minor Subdivision of an existing legal lot of record (47.255 acres) into 2 parcels: Parcel 1 (8 acres) and Parcel 2 inclusive of an access and utility easement (39.255 acres), subject to water demand caps noted on the VTM and recorded on the Final Map, to be in effect until such time as the B-8 overlay is lifted from the parcel. The property is located at 701 Monterey Salinas Highway, Salinas (Assessor's Parcel Number 161-251-002-000), Toro 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 Chief of 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 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. (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 Vesting Tentative Map (Resolution Number _____) was approved by the Planning Commission for Assessor's Parcel Number 161-251-002-000 on 31 March 2021. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the final map approval, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PDSP001 - DEED RESTRICTION: NO INCREASE IN WATER DEMAND OR USE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Applicant/Owner shall record a deed restriction on each of the two parcels resulting from the subdivision (Parcel 1 - 8.0 acres; Parcel 2 - 39.255 acres).

Parcel 1 Deed Restriction shall state the following: Development and intensification of land use of this parcel is prohibited that would increase water demand or water use beyond *** AFY, until such time as the B-8 overlay is lifted.

Parcel 2 Deed Restriction shall state the following: Development and intensification of land use of this parcel is prohibited that would increase water demand or water use beyond *** AFY, until such time as the B-8 overlay is lifted.

(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to final map approval, applicant/owner shall submit to HCD-Planning evidence of the two recorded Deed Restrictions.

4. PDSP002 - NOTE ON MAP: WATER DEMAND RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet to be recorded with the Final Map stating that: "Water allocation of the two resulting parcels combined shall not exceed 13.53 AFY with Parcel 1 water usage no more than **AFY and Parcel 2 water usage no more than **AFY. The water demand cap for each of the Parcels 1 & 2 shall remain until such time as the B-8 overlay is removed from the parcel."

The note shall be located in a conspicuous location on the Final Map, subject to approval by the County Surveyor.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the applicant/owner shall submit to EHB and HCD-Planning for review and approval a note on the vesting tentative map with allocation of a water demand cap, not to exceed a cumulative 13.53 AFY total, for each parcel created by the subdivision.

5. PDSP003 - VESTING TENTATIVE MAP (TITLE 19)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The vesting tentative map (VTM) shall be subject to all provisions of Chapter 19.05 of Title 19 of the Monterey County Code.

Applicant/owner shall submit a VTM to HCD-Planning for review and approval by the Chief of Planning. The VTM shall be prepared, in form and content, in accordance with Section 19.05.035 of Title 19, and shall include at minimum, existing and proposed easements, roads, setbacks, utilities, domestic water systems, septic systems, grading, as required by the Chief of Planning.

Applicant/owner shall submit to HCD-Planning for review and approval data and reports in accordance with Section 19.05.040 of Title 19, as required by the Chief of Planning.

Compliance or Monitoring Action to be Performed: Prior to final map approval, applicant owner shall submit a VTM, subject to all provisions of Chapter 19.05, to HCD-Planning for review and approval by the Chief of Planning.

6. PW0015 – UTILITY’S COMMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to applicable utility companies. Subdivider shall submit utility company recommendations for required easements, if any, to HCD-Development.

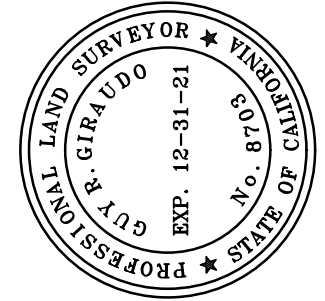
Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Owner/Applicant/Subdivider shall provide a copy of the approved tentative map to all applicable public utility companies for review. Subdivider shall submit utility comments to HCD-Development.

7. PW0036 - EASEMENTS AND RIGHT-OF-WAY

Responsible Department: RMA-Public Works

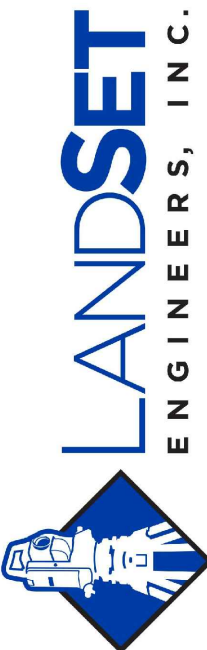
Condition/Mitigation Monitoring Measure: Provide for all existing and required easements and rights of way.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, Subdivider’s Surveyor shall include all existing and required easements or rights of way on Parcel Map.



APPROVED BY:

GUY R. GIRALDO P.L.S. No. 87703



VESTING TENTATIVE MAP
OF
LANDS OF ANTLE
A.P.N.: 161-251-002
FOR
MR. MIKE ANTLE
HIGHWAY 68, MONTEREY COUNTY, CALIFORNIA

SCALE: 1"=100'
DATE: OCT. 2018
JOB NO. 226-02

	10/15/20	AMS	SEPTIC DISPOSAL AREAS
	10/05/20	AMS	MO.CO. HEALTH DEPARTMENT
	07/06/20	AMS	MO.CO. PLANNING DEPARTMENT
	10/03/18	AMS	RELEASED TO CLIENT
No.	DATE	BY	REVISION

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