

# Exhibit A

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# DRAFT RESOLUTION

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

In the matter of the application of:

**KEVIN & JOAN BARLETT (PLN240301)**

### **RESOLUTION NO. 25-**

Resolution by the County of Monterey Zoning  
Administrator:

- 1) Finding that the disapproval of the project is Statutorily Exempt from the California Environmental Quality Act per Section 15270 of the Guidelines; and
- 2) Denying a Use Permit for a Commercial Vacation Rental to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer.

[PLN240301 KEVIN & JOAN BARLETT, 17834 CACHAGUA ROAD, CARMEL VALLEY, CA 93924, CACHAGUA AREA PLAN (APN: 417-102-007-000)]

**The KEVIN & JOAN BARLETT application (PLN240301) came on for a public hearing before the County of Monterey Zoning Administrator on December 11, 2025. 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:** **INCONSISTENCY** – The Project, as conditioned, is not 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 County of Monterey General Plan;
  - Cachagua Area Plan;
  - Monterey County Code Chapter 7.120;
  - Regulations Relating To Applications Involving Use Of Private Roads (Monterey County Code Chapter 16.80); and
  - Monterey County Zoning Ordinance (Title 21).The project conflicts with the text, policies, and/or regulations of the applicable Monterey County code (MCC). Communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.  
b) Allowed Use. The property is located at 17834 Cachagua Road, Carmel Valley, CA 93924, within the Cachagua Area Plan (Assessor's Parcel

Number: 417-102-007-000). The parcel is currently zoned Public/Quasi Public “PQP” which is inconsistent with the land use designation. The 2010 Monterey General Plan Figure LU2 for the Cachagua Area Plan identifies the subject property to have a land use designation of Resource Conservation “RC”. Government Code section 65860 (a) states that county zoning ordinance shall be consistent with the applicable general plan by 1974. Further subsection (c)(2) states that if a zoning ordinance is inconsistent with the general plan and a local agency receives a development application, provided the project is not a Housing Accountability Act project subject to Government Code section 65589.5 and that such project is consistent with the general plan but inconsistent with the zoning ordinance, the local agency shall process the development application and apply objective general plan standards. The 2010 Monterey County General Plan lists the RC land use designation as one of the three rural residential categories, with the other two being Low and Rural Density Residential. Such use for a Commercial Vacation Rental is allowed in each of these categories. The RC zoning allows the use of Residential Property as a commercial vacation rental, subject to the granting of a Use Permit pursuant to Title 21 section 21.64.290. Therefore, the proposed use is allowable as specified by the RC land use designation of the 2010 Monterey County General Plan. However, findings to grant the Use Permit in this case cannot be met. See evidence “h.”

- c) Lot Legality. The subject property (11.58 acres in size), APN: 417-102-007-000, is identified as Lot 7, as shown in its current size and configuration in Assessor’s Parcel Map Book 417, page 10-2. Therefore, the County recognizes the property as a legal lot of record.
- d) Land Use Advisory Committee (LUAC) Review. This project was not referred to the Cachagua LUAC for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 15-043, this application did not warrant referral to the LUAC as it does not fall within the LUAC review guidelines.
- e) Vacation Rental Operation License. Chapter 7.120 requires the use of a Commercial Vacation Rental to obtain the appropriate Vacation Rental Operation License.
- f) Business License. The applicant must obtain a Business License and provide documentation to prove that they comply with all of the requirements of the Business License pursuant to Title 7 section 7.02.060.
- g) Transient Occupancy Tax. The applicant must register with the County of Monterey Treasurer-Tax Collector to pay Transient Occupancy Tax pursuant to Title 5 Chapter 5.40 and must pay Transient Occupancy Tax on all applicable rent received from transient occupancy of their residential property as a commercial vacation rental.
- h) Health and Safety. As demonstrated in Finding 2, the project does not meet the requirements in granting a Use Permit as outlined in Title 21 section 21.74.050.B.
- i) Access/Easements. The subject property has a number of recorded easements as illustrated on a certain Parcel Map recorded January 23, 1991 in volume 18 of Parcel Maps, at Page 92. Based on this map, the

subject property, identified as Parcel A, has three existing right of way easements serving neighboring properties: a 60' right of way (ROW) easement starting off of the County owned portion of Cachagua road and two 30' ROW easements also off of the County owned portion of Cachagua road. The 60' ROW easement appears to serve two parcels, both of which are directly south of the property (417-102-008 and 417-101-018). One of the 30' ROW easements serves the subject properties to the south of the parcel, and the other 30' ROW easement serves the subject properties to the northeast of the parcel. There are utility easements on the subject property, but these are intended to serve as access to existing water tanks/lines. Additionally, there are two conservation and scenic easements recorded on the property: one for slopes exceeding 30% and another for an area containing riparian vegetation within the floodplain, which includes a hiking and equestrian easement along the Carmel River bank. This map also illustrates a portion of the Carmel River on the subject property.

- j) Adequate Emergency Response Time. The applicant is required to notify the guests of the average response time for emergency fire and medical services and the address and phone number of those services. The subject property complies with Title 21 section 21.64.290.F.5, adequate emergency response times for fire and emergency medical. The submitted Operations Plan includes contact information for County emergency services for fire and emergency medical. The property complies with adequate public facilities and services requirements pursuant to the 2010 County of Monterey General Plan Safety Element Policy PS-1.1 and Table PS-1. Response times are within 41 minutes of structural coverage from the Community Hospital of Monterey Peninsula, which provides 24-hour emergency medical services, and within 4 minutes of structural coverage from the Cachagua Fire Protection District, within its response area. The subject property complies with the requirement to provide contact information for County emergency services for fire and emergency medical. The contact information is included as required in the informational signage that must be posted within six feet of the front door.
- k) Parking. Title 21 section 21.64.290.F.6 requires that commercial vacation rentals provide parking in compliance with Title 21 section 21.58.040. Title 21 section 21.58.040 establishes the minimum required parking spaces. A single-family dwelling requires two parking spaces. As proposed, the property can accommodate up to two cars for occupants, which meets the requirements of Title 21 section 21.58.040.
- l) One commercial vacation rental Per Legal Lot of Record. The subject legal lot of record complies with Title 21 section 21.64.290.F.7, as this is the only commercial vacation rental on the legal lot of record.
- m) Ownership Interest in One commercial vacation rental in the Unincorporated Monterey County. The owners of the legal lot of record comply with Title 21 section 21.64.290.F.8 and do not have any ownership interest in any other commercial vacation rentals in the unincorporated Monterey County. This application before the Zoning Administrator would be the first and only ownership interest the

applicants would have in a commercial vacation rental in the unincorporated Monterey County.

- n) Access. The property has access through a private driveway that connects to Cachagua Road, a public road maintained by the County. A private road (ROW) also has three existing right of way easements serving neighboring properties. See Finding No. 1, Evidence “i”.
- o) Maximum Allowable Limit. Title 21.64.290.F.3 regulates the maximum allowed limit of permitted Commercial Vacation Rentals, not to exceed four percent of the total single family residential dwelling unit count. The Cachagua Area Plan has a total of 20 maximum Use Permits to be granted at any given time for Commercial Vacation Rental uses. This application would be the second permitted Commercial Vacation Rental within the Cachagua Area Plan. Therefore, the proposed use complies with this regulation. However, as detailed in the resolution, the use is inconsistent with applicable MCC and the required Use Permit is not granted.
- p) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240301.

**2. FINDING:** **HEALTH AND SAFETY** - the establishment, maintenance, or operation of the project applied for will, 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) Title 21 section 21.64.290 outlines specific regulations to operate a Commercial Vacation Rental use subject to the granting of a Use Permit. Title 21 section 21.74.050.B specifies that in order to grant the Use Permit that allows this use, specific findings need to be made:

- 1.) The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.
- 2.) The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any applicable provisions of this Title and any zoning violation abatement costs have been paid.

Although the proposed project demonstrates the ability to be compliant with certain rules and regulations pertaining to zoning use, subdivision and any other applications provisions (evidence in Finding 1), the project does not demonstrate the ability to not, under any circumstances, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use.

- b) As discussed in Finding 1, evidence “i,” the subject property has a number of recorded easements and a portion of the Carmel River on the property.

The Carmel River attracts members of the public, specifically those who are renting the subject property for Commercial Vacation use. There are no boundary lines that identify which area of the river is on the subject property, and therefore, customers renting this property have the potential for trespassing onto adjacent properties. Through testimonial and public comments submitted for the project, there have been previous trespassers from the subject property in the past. Trespassing poses a risk to health, safety, peace, morals, and comfort to those in the neighborhood. Additionally, although there is a hiking and equestrian trail easement on the northern bank of the river, there are no established trails or roads to safely access this area. Therefore, requirement #1 of Title 21 section 21.74.050.B cannot be made in this specific case.

- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240301.

3. **FINDING:** **CEQA (Exempt)** – The project is statutorily exempt from environmental review.

- EVIDENCE:**
- a) CEQA Guidelines section 15270(a) states that CEQA does not apply to projects that a public agency rejects or disapproves.
  - b) The project is for a commercial vacation rental, and currently, as proposed, is recommended for denial as it poses the risk of trespassing to adjacent properties, which is detrimental to the health, life, and safety to those in the immediate neighborhood (see Finding 1).
  - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240301.

4. **FINDING:** **APPEALABILITY** – The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:**
- a) Planning Commission. Pursuant to Title 21 section 21.80.040.B, an appeal of the Zoning Administrator's decision for this project may be made to the Planning Commission by any public agency or person aggrieved by their decision.

## **DECISION**

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

- 1) Find that the disapproval of the project is Statutorily Exempt from the California Environmental Quality Act per Section 15270 of the Guidelines; and
- 2) Deny a Use Permit for a Commercial Vacation Rental to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of December, 2025.

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Mike Novo, AICP  
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 DATE.

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.