

Exhibit D

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**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 99045

A. P. # 239-011-016-000

FINDINGS AND DECISION

In the matter of the application of
RANCHO SAN CARLOS PARTNERSHIP (PLN990037)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located fronting on and westerly of Robinson Canyon Road, came on regularly for hearing before the Planning Commission on August 11, 1999.

WHEREAS: Said proposal includes:

- 1) Use Permit for development of Country Club including an existing 14,000 sq. ft. main house (hacienda building), sporting center, equestrian center, and remodeling of an existing barn, and
- 2) Administrative Permit for Site Plan Approval, and
- 3) Design Review.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. Finding: This Combined Development Permit allows for the following: 1) Use Permit for a Country Club, including a new sporting center, relocated equestrian center, the use of an existing barn for meetings, dining and social events, and the use of the existing 14,000 sq. ft. hacienda house for meetings, social events and overnight guest lodging; 2) Administrative Permit for Site Approval; and 3) Design Approval. Use of the proposed facilities is restricted to individual property owners within the Santa Lucia Preserve and their guests.

Evidence: Materials in File 990037.

2. Finding: The proposed use of a Country Club, including a new sporting center, relocated equestrian center, the use of an existing barn for meetings, dining and social events, and the use of the existing 14,000 sq. ft. hacienda house for meetings, social events and overnight guest lodging, is consistent with the policies of the General Plan and the Greater Monterey Peninsula Area Plan, which designate the property as "Resource Conservation, 40 Acre Minimum" and "Comprehensive Planned Use."

Evidence: The policies of the Greater Monterey Peninsula Area Plan - as amended on March 30, 1993 - for the "Comprehensive Planned Use" area (page 76 of the Area Plan), provide that "Uses which may be considered for Rancho San Carlos may consist of residential, visitor accommodation, and recreational uses on approximately 2,500 acres." The proposed uses are located within the 2,500-acre area designated for the type of use.

Evidence: The proposed project is consistent with Resolution No. 96-060 of the Monterey County Board of Supervisors approving the Comprehensive Development Plan for the Santa Lucia Preserve property.

Evidence: The text and policies of the Greater Monterey Peninsula Area Plan and the Monterey County General Plan have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist. No testimony, either written or oral, was received during the course of public hearing to indicate that there is any inconsistency with the Greater Monterey Peninsula Area Plan or the Monterey County General Plan.

3. Finding: The proposed use of a Country Club, including a new sporting center, relocated equestrian center, the use of an existing barn for meetings, dining and social events, and the use of the existing 14,000 sq. ft. hacienda house for meetings, social events is consistent with the provisions of Chapter 21.36 (Regulations for "Resource Conservation" Zoning Districts) of the Monterey County Zoning Ordinance.

Evidence: Chapter 21.36.040 (K) of the Zoning Ordinance.

Evidence: Prior to the approval of the Santa Lucia Preserve Subdivision, the project site was zoned as "RC/40". Approval of the Santa Lucia Preserve Subdivision included the rezoning of approximately 1,150 acres of the property, including the subject project site, from the "RC/40" District to various zoning classifications. The Measure M Referendum of November 1996 overturned the rezoning portion of the Santa Lucia Preserve Subdivision. Consistent with the outcome of the referendum, the Board of Supervisors on August 26, 1997, adopted Resolution No. 97-360 which nullified the rezoning portion of the Santa Lucia Preserve Subdivision and reinstated the original "RC/40" zoning classification of the approximately 1,150 acres of the property, including the subject project site.

Evidence: As stated in the County Counsel's impartial analysis of Measure M - contained in the Voter Information Pamphlet for the November 5, 1996 general election - the referendum did not affect the Monterey County General Plan or the Greater Monterey Peninsula Area Plan which provide for visitor accommodation uses in the subject project site.

4. Finding: The proposed use of "Visitor Accommodations" is consistent with the Greater Monterey Peninsula Area Plan and the provisions of the Zoning Ordinance.

Evidence: The policies of the Greater Monterey Peninsula Area Plan - as amended on March 30, 1993 - for the "Comprehensive Planned Use" area (page 76 of the Area Plan), provide that "Uses which may be considered for Rancho San Carlos may consist of residential, visitor accommodation, and recreational uses on approximately 2,500 acres."

Evidence: While the use of "Visitor Accommodations" is not specifically listed as an allowed use in Chapter 21.36 (Regulations for "Resource Conservation" Zoning Districts), this type of use is consistent with the General Plan and the Area Plan, and with the provisions of Chapter 21.02.040 (General Provisions) of the Zoning Ordinance which states that "The zoning districts list the uses which are allowed or may be allowed subject to discretionary permit processes. Those listed uses and other uses which are consistent with the Monterey County General Plan and applicable area plans may be allowed subject to appropriate permits."

5. Finding: Development of the proposed uses will not have significant environmental impacts.

Evidence: The potential environmental impacts from the proposed use, as well as mitigation measures, were identified in the Final Environmental Impact Report (EIR No. 94-005) certified by the Monterey County Board of Supervisors on February 6, 1996, and the addendum to the EIR adopted by the Monterey County Board of Supervisors on August 26, 1997.

Evidence: No substantial changes have been identified with respect to the proposed project, that would require major revisions to the certified Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of any previously-identified significant effect.

Evidence: EIR No. 94-005 certified by the Monterey County Board of Supervisors on February 6, 1996, on file in the Monterey County Planning and Building Inspection Department. Monterey County Board of Supervisors Resolution No. 96-059 (February 6, 1996).

Evidence: Addendum to the EIR adopted by the Monterey County Board of Supervisors on August 26, 1997. Monterey County Board of Supervisors Resolution No. 97-360 (August 26, 1997).

6. Finding: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Evidence: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources Agency. The respective departments have 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; or the county in general.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

PLANNING AND BUILDING INSPECTION

1. This permit allows for the following: *1) Use Permit for a Country Club, including a new sporting center, relocated equestrian center, the use of an existing barn for meetings, dining and social events and the use of the existing 14,000 sq. ft. hacienda house for meetings, social events and overnight guest lodging; 2) Administrative Permit for Site Approval; and 3) Design Approval. Use of the proposed facilities is restricted to individual property owners within the Santa Lucia Preserve and their guests* in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit and any related permits, including File No. PC94067, are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit and any related permits, including File No. PC94067 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.
2. The applicant shall obtain all the required building permits before beginning the construction of the project. Design and construction of the buildings shall comply with the requirements of Condition Nos. 4, 27, 29, 128, 133 and 134 of the approved Santa Lucia Preserve Subdivision.
3. The applicant shall obtain a grading permit pursuant to Chapter 16.08 of the Monterey County Code. The grading and improvement plans shall comply with the provisions of the comprehensive drainage plan, required by Condition Nos. 8, 9, 16, 18, 22, 23, 27, 28, 31, 32, 37a-37c, 111, 121, 122, 133 and 134 of the approved Santa Lucia Preserve Subdivision. Said plan shall be approved by the Director of Planning and Building Inspection, Public Works and Water Resources prior to issuance of the grading permit.
4. No development, including construction and/or grading activities, shall be allowed within 100 feet from any wetland areas, unless a biological survey provides conditions which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, in accordance with Section 21.66.0020 of the Zoning Ordinance (Condition 121 of the approved Santa Lucia Preserve Subdivision).
5. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits.
6. Vehicular access by guests of the property owners to the proposed facilities shall be restricted to Rancho San Carlos Road.
7. Use of the proposed country club facilities shall be restricted to individual property owners of the approved Santa Lucia Preserve Subdivision and their guests.

8. The proposed use of overnight guest lodging at the existing 14,000 square feet hacienda shall be limited to individual property owners of the approved Santa Lucia Preserve Subdivision and their guests.
9. All aspects of the development of the project - including any construction and/or grading activities - shall comply with all applicable recommendations and/or conditions of the Final Cultural Resources Management and Monitoring Plan prepared for the Santa Lucia Reserve Subdivision (FCRMP). The project Archaeologist shall review site specific mitigations contained in the FCRMP with the appropriate local Native American representative, as designated by the Native American Heritage Commission and/or Concurring Native American Advisory Council. (Condition 31 of the approved Santa Lucia Preserve Subdivision).
10. Prior to any modification of any existing building within the project area, the existing documentation of such building should be augmented with photographic and written documentation suitable for submittal as a Historic American Building Survey. Such documentation shall be prepared by a qualified professional and shall be submitted for the review and approval of the Director of Planning and Building Inspection, prior to issuance of demolition or building permits. (Condition 32 of the approved Santa Lucia Preserve Subdivision).
11. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless.
12. The applicant shall record a notice, which states: "A permit (Resolution 99045) was approved by the Planning Commission for Assessor's Parcel Numbers 239-051-043-000, 239-051-045-000 and 239-051-046-000 on August 11, 1999. The permit was granted subject to 17 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use.

Water Resources Agency

- 13. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts. Stormwater runoff from impervious surfaces of any paved parking areas shall be routed through oil/water separators before discharge off-site toward any stream or through a riparian/wetland area. Stormwater runoff from riding arenas, stable and padlock areas shall provide means for detaining, filtering and cleansing runoff from animal waste before discharge off-site toward any stream or through a riparian/wetland area. The drainage plan shall comply with the requirements of Condition Nos. 21 and 23 of the approved Santa Lucia Preserve Subdivision.
- 14. All proposed development shall be setback at least 50 feet from top of the bank as defined in County Floodplain Ordinance #3272.
- 15. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets, with a maximum tank size or flush capacity of 1.6 gallons; all shower heads shall have a maximum flow capacity of 2.5 gallons per minute; and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet, shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.

Environmental Health

- 16. Prior to issuance of building permits, the waste water treatment facility serving the proposed project must be under construction. The wastewater treatment facility must be operational prior to clearance for final occupancy.
- 17. Obtain a new water system permit before issuance of building permits.

PASSED AND ADOPTED this 11th day of August, 1999 by the following vote:

AYES: Crane-Franks, Errea, Hawkins, Hennessy, Lacy, Parsons, Sanchez, Wilmot
 NOES: None
 ABSENT: Hernandez, Pitt-Derdivanis

by Nicholas Phillips

 William L. Phillips, SECRETARY

Copy of this decision mailed to applicant on **AUG 24 1999**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **SEP - 3 1999**

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

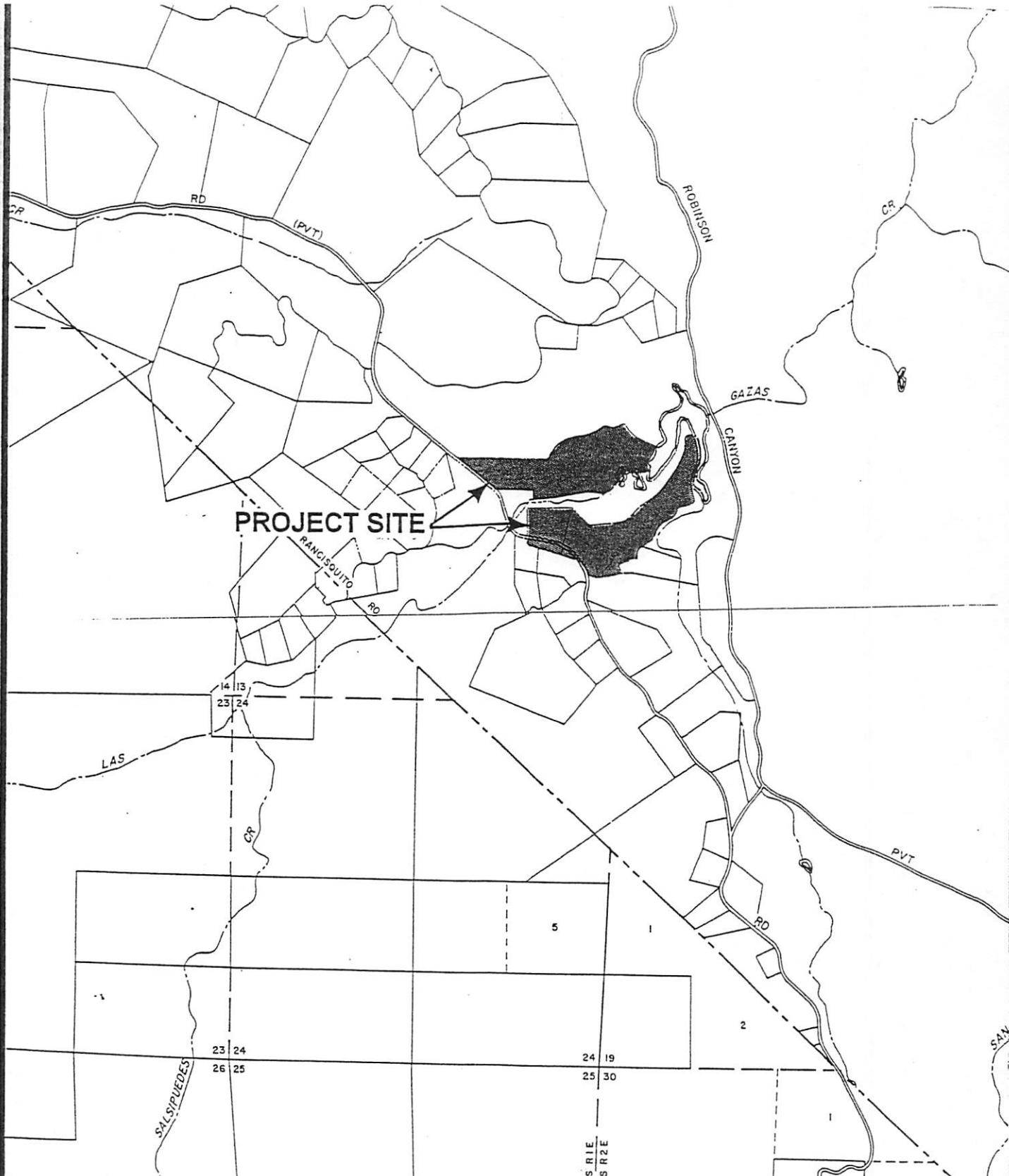
Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

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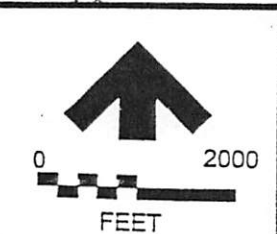
Rev. 1/15/99



APPLICANT: RANCHO SAN CARLOS PARTNERSHIP

APN: 239-051-046-000M FILE# 990037

300' LIMIT: 
 2,500' LIMIT: 



DATE:

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