

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 22 – 17

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE CITY OF SOLEDAD'S
MIRAMONTE ANNEXATION PROPOSAL ON APPROXIMATELY 654 ACRES,
ALONG WITH DETACHMENT FROM THE SOLEDAD MISSION FIRE
PROTECTION DISTRICT AND THE RESOURCE CONSERVATION DISTRICT
OF MONTEREY COUNTY (LAFCO FILE NO. 20-01)

RESOLVED, by the Local Agency Formation Commission (LAFCO) of Monterey County, State of California, that

WHEREAS, the Soledad City Council has heretofore filed an application (LAFCO File No. 20-01) for a proposed sphere of influence amendment and annexation to the city of lands totaling approximately 654 acres, along with detachment of such lands from the Mission Soledad Rural Fire Protection District and the Resource Conservation District of Monterey County, and the Executive Officer of this Local Agency Formation Commission has accepted the application for filing; and

WHEREAS, both the Monterey County Board of Supervisors and the Soledad City Council have considered and approved a property tax transfer agreement for the proposed reorganization (annexation and detachments);

WHEREAS, the Executive Officer set December 5, 2022 as the hearing date on this proposal and provided public notice as required by law; and

WHEREAS, the Executive Officer has reviewed this proposal and prepared a report for the December 5 hearing, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the December 5 Executive Officer's report expressed significant unresolved concerns related to:

- Size and scale of the proposal,
- Costs and financing of public infrastructure and services; lack of information regarding feasibility,
- Agricultural mitigation measures and agricultural preservation buffers, and
- Affordable housing provisions within the proposal; and

WHEREAS, based on the concerns summarized above, the Executive Officer recommended that the Commission should 1) approve the sphere of influence amendment component of the proposal and, 2) with regard to the annexation component of the proposal, require the property owners and City of Soledad to:

- a) Revise the annexation proposal to encompass approximately 50% of the currently proposed developable area (the reduced area should include subareas that will accommodate near-term development of substantial multi-family and affordable housing units as well as non-residential land uses);
- b) Revise the agricultural mitigation plan to identify and carry out Soledad-area conservation easements, and/or mitigation in-lieu fee payments, prior to completion of the annexation; and
- c) Record the proposed agricultural buffer easement and hillside conservation easement, and expand the agricultural buffer from 160 feet to 200 feet where it coincides with the City's designated urban growth boundary, prior to completion of the annexation; and

WHEREAS, the City of Soledad served as lead agency for the environmental review and analysis of the project pursuant to the requirements of the California Environmental Quality Act (CEQA) and, as such, prepared a 2010 Final Environmental Impact Report and subsequent (2018) addendum for the Miramonte proposal, along with CEQA findings, a statement of overriding considerations, and a mitigation monitoring and reporting program as required by law; and

WHEREAS, at the December 5 public hearing the Commission:

- (1) Voted 7-0 to make CEQA determinations and approve the sphere of influence amendment component of the City of Soledad's proposal; and
- (2) Voted 6-1 to continue the public hearing on the annexation component of the City's proposal and to adopt a resolution of intent directing staff to prepare a new resolution approving the full annexation as proposed by the City, subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer; and

WHEREAS, the Executive Officer prepared a resolution of intent documenting the Commission's December 5 decision to approve the annexation subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer, and circulated copies of the signed resolution to known interested parties; and

WHEREAS, the Executive Officer has prepared a report for the December 19 continued public hearing, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the City of Soledad served as lead agency for the environmental review and analysis of the project pursuant to the requirements of the California Environmental Quality Act (CEQA) and, as such, prepared a 2010 Final Environmental Impact Report and subsequent (2018) addendum for the Miramonte proposal, along with CEQA findings, a statement of overriding considerations, and a mitigation monitoring and reporting program as required by law; and

WHEREAS, LAFCO, acting as a responsible agency, has independently reviewed and determined that the City's 2010 Final EIR, 2018 addendum, Statement of Findings Required by CEQA, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program adequately disclosed and evaluated the impacts of the Miramonte proposal and complies with CEQA, and has adopted a statement of findings and a statement of overriding considerations accordingly; and

WHEREAS, the Environmental Impact Report and addendum identified various mitigation measures, all of which will be incorporated into the project and are enforceable by agencies other than LAFCO; and

WHEREAS, prior to acting upon the City's application, the Commission heard from interested parties and considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code sections 56668 and the Commission's locally adopted policies;

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The Commission has received, reviewed, and considered the body of environmental review information in the record. In its role as a CEQA responsible agency, the Commission has independently reviewed the City's 2010 Final EIR, 2018 addendum, Statement of Findings Required by CEQA, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program adequately disclosed and evaluated the impacts of the Miramonte proposal and complies with CEQA.

Section 3. Based on the above, and pursuant to Sections 15091 and 15093, respectively, of the CEQA Guidelines the Commission concurs with and hereby adopts the City of Soledad's Statement of Findings Required by CEQA and Statement of Overriding Considerations, which are jointly attached to this resolution as Exhibit "A."

Section 4. Custodian of Records: Pursuant to Section 15091(e) of the CEQA Guidelines, the documents and materials that constitute the record of proceedings on which the above findings are based are located at the offices of the Local Agency Formation Commission of Monterey County, 132 W. Gabilan Street, Suite 102, Salinas, CA 93901.

Section 5. The Commission has considered the factors set forth for changes of organization in the Cortese-Knox-Hertzberg Act, Government Code section 56668 and makes determinations regarding these factors as outlined below:

- a) *Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years:*

The City of Soledad anticipates that buildout of the entire Miramonte Specific Plan area would result in 2,392 single- and multi-family residential units, with an anticipated additional population of 9,712 and an expected 10- to 20-year timeline for buildout. Based on AMBAG's 2022 Regional Growth Forecast, AMBAG projects that the City of Soledad will add 1,299 residential units and 3,832 population between 2020 and 2045. The upcoming 6th cycle Regional Housing Needs Allocation (RHNA) calls for a more aggressive target number of housing units: 724 total additional units citywide, including market-rate units, over the course of only eight years (2023 through 2031).

Growth within the area will be consistent with the City of Soledad's adopted General Plan and the City's Miramonte Specific Plan, along with any development agreements that will be approved by the City prior to the approval of development applications. The per-capita assessed valuation was taken into account in the recently approved City-County Tax Sharing Agreement and has been used in projecting adequate funding to support urban services. Topography, natural boundaries, and drainage basins were analyzed fully within the City's 2010 and 2018 environmental documents.

The annexation area is located north of the existing city limits and is in the preferred northerly direction of growth as set out by the adopted City-County memorandum of agreement. The annexation would allow growth within the next several decades to occur within city limits, where public services can most efficiently be provided.

- b) *The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas:*

LAFCO's 2022 Municipal Service Review and Sphere of Influence Study for the City of Soledad reviewed the City's existing and anticipated future services and facilities. As discussed in the Study, the City's plan for providing services (a part of the sphere amendment and annexation application to LAFCO) outlined the very substantial public infrastructure upgrades and extensions that will be necessary to support anticipated future development, including buildout of the Miramonte project.

Most of the costs associated with building the infrastructure outlined above are not currently known. However, they will be very significant, in the tens of millions of dollars. The City intends to quantify the Miramonte infrastructure costs through a comprehensive infrastructure financing plan that will be a required component of one or more development agreements that the City will enter into with a future developer or developers. The development agreement(s) will, in turn, be a prerequisite to City approval of a final subdivision map or any development permits.

In the current absence of a comprehensive infrastructure financing plan, it is not possible to

determine with any certainty whether, or under what assumptions, development of the proposed City expansion will be economically feasible with regard to infrastructure costs. However, the City of Soledad has demonstrated its intention to use future finance studies and development agreements to require new development to be economically feasible without impacting existing City residents.

- c) *The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county:*

The effect of the proposed action would be conversion of the annexation area from mostly farmland to mostly urban-type land uses. This change has been thoroughly studied in the City's Final Environmental Impact Report and subsequent addendum, and is consistent with the approved 2016 City-County Memorandum of Agreement guiding future growth in the Soledad area.

- d) *The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Government Code section 56377. [Note: Section 56377 pertains to directing development away from open-space and agricultural land, unless this would be detrimental to the promotion of the planned, orderly, efficient development of an area]:*

Monterey LAFCO's adopted policy for **Efficient Urban Development Patterns** provides that "For annexations and Sphere of Influence applications, Monterey County LAFCO shall consider as part of its decision whether the city in which the annexation or Sphere of Influence amendment is proposed has included certain goals, policies, and objectives into its General Plan that encourage mixed uses, mixed densities, and development patterns that will result in increased efficiency of land use, and that encourages and provides planned, well-ordered, efficient urban development patterns."

The City of Soledad's General Plan contains various policies that call for the City to implement efficient models of development within the existing city and the Miramonte proposal area. Among others, these City policies include:

- L-4: The City shall promote patterns of development that allow for the efficient and timely extension of infrastructure and services.
- L-10: The City shall monitor development and adjust land use designations and new residential project approvals as needed to promote a reasonable balance between employment generating land uses and housing.
- L-19: In general, higher densities of residential development shall be located in areas served by the widest range of urban services, and shall be preferred along collector and arterial streets, within walking distance of schools, city parks and transit stops.
- L-24: New commercial development shall be designed to encourage safe and efficient pedestrian circulation within and between commercial sites and nearby residential neighborhoods.

Any outward expansion of the City of Soledad will involve prime agricultural land, which surrounds the City. While the area proposed for annexation is categorized as prime agricultural land it is less fertile than other surrounding areas and is therefore the identified and preferred direction of growth pursuant to the adopted City-County MOA..

- e) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands:*

Approximately 75% of the Miramonte proposal area consists of "important farmland" as defined by the California Department of Conservation. This category is composed of "prime farmland," "farmland of statewide importance," and "unique farmland." These lands are proposed to be converted from agricultural uses to urban-type development. The Miramonte proposal area contain no known parcels that are contractually restricted through the state Farm Security Act program or the Williamson Act.

The City's annexation proposal includes agricultural mitigation at the City's discretion based on a methodology identified in the 2016 City-County MOA and further elaborated in the City's May 2022 Miramonte Agricultural Mitigation Plan.

At the December 5, 2022 public hearing, the Commission adopted a resolution of intent directing staff to prepare a resolution approving the full annexation as proposed by the City, subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer. In response to the approved motion, on December 8 the property owner and the City of Soledad submitted supplemental information indicating that the City will implement the following additional agricultural mitigation-related measures through the City's development review processes subsequent to annexation:

- Potentially establish conservation easements "adjacent to or near an Urban Growth Boundary if feasible,"
- Tie future in-lieu fee payment amounts to the calculation of the easement value of lands being annexed,
- Potentially transfer in-lieu fees to a qualified agricultural land trust or other qualifying entity instead of keeping the fees in a City fund,
- Implement agricultural mitigation in no more than four separate actions,
- Increase the western agricultural buffer from 160 to 200 feet where the buffer coincides with the designated urban growth boundary, and
- Remove the Chualar-area Wimer Ranch from consideration as agricultural mitigation.

- f) *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries:*

The project boundary is definite and certain, in that its perimeter has been precisely mapped with an accompanying geographic description. The annexation does not uniformly follow existing lines of property assessment or ownership. This is because the annexation includes a narrow strip of land along and portions of parcels along San Vicente Road to accommodate a widened and partly realigned right-of-way. The proposal creates no islands or corridors of unincorporated territory.

- g) *A regional transportation plan adopted pursuant to Section 65080:*

The project builder(s) will pay its proportionate share to fund the construction of the improvements required by the CEQA mitigation measures through payment of City traffic impact fees (for off-site improvements within the City) and the TAMC Regional Development Transportation Impact Fee (for off-site improvements to highway and regional facilities). These fees are established by existing City ordinances.

- h) *Consistency with city or county general and specific plans:*

The annexation would allow a change from the current Monterey County General Plan Farmlands and Permanent Grazing designations to city development. The Soledad General Plan's adopted land use designation for the site is Miramonte Specific Plan Area (MM-SP). The city has also adopted a pre-zoning ordinance for the annexation area that applies City zoning districts consistent with the approved Miramonte Specific Plan zoning designations.

The City has an adopted General Plan policy (H-3) providing that the "City of Soledad shall require new residential areas to contain a mix of housing types targeted to very-low, low, moderate, and above moderate households in approximately the proportion that each of these income categories represent in the AMBAG Fair Share Housing Allocation." Additionally, the current adopted (2019) Housing Element of the City's General Plan includes Program 2.1.2, which requires that "an integrated mix of complementary but varied housing types be provided within the majority of blocks."

The City has submitted a conceptual site plan as part of the LAFCO application. As future development occurs on the Miramonte site and elsewhere in Soledad, the City will be responsible for reviewing and approving any changes to the site plan and unit-type mix that may be necessary for development to conform to these or other applicable City policy requirements.

- i) *The sphere of influence of any local agency which may be applicable to the proposal being reviewed:*

Pursuant to the City's application and LAFCO's standard practices, the annexed area will detach from the Mission-Soledad Rural Fire Protection District and the Resource Conservation District of Monterey County following approval. No Sphere of Influence of any other local agency is applicable to the proposal being reviewed.

- j) *The comments of any affected local agency or other public agency:*

Public agencies and known interested parties were contacted through the LAFCO referral process, and contributed comments that were reviewed in the Executive Officer's report for the proposal and considered by the Commission in the conditioning and approval of this proposal. Comments were received from the following public agencies:

- County of Monterey Housing and Community Development Department
- County of Monterey Agricultural Commissioner
- Salinas Valley Groundwater Basin Sustainability Agency
- Soledad Unified School District

The Commission has also considered additional comments that were received from individuals and non-governmental organizations.

- k) *The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change:*

As outlined under section "b" above, the costs of extending and investing in public infrastructure systems to serve the Miramonte site are certain to be very significant, but are largely unquantified at this time. The City of Soledad has a demonstrated record of administering new development in other areas within the city. The City currently serves the area adjacent to the proposed sphere of influence and annexation areas and appears to be financially stable with expenses generally in line with revenues. The City has also submitted substantial evidence that taxes and fees generated by the new development will be sufficient to fund ongoing City services after development has been constructed and occupied. However, the costs and the financial feasibility of the necessary infrastructure investments to support make development possible have yet to be established.

- l) *Timely availability of water supplies adequate for projected needs as specified in Government Code section 65352.5:*

The Proposal area is within the Salinas Valley Groundwater Basin Forebay Aquifer Subbasin Groundwater Sustainability Plan (GSP), which was adopted in 2022. The Subbasin has historically not been considered in overdraft. The City's 2017 Water Supply Assessment for the proposal area stated that the water demand for the plan area will be 980 acre feet per year (AFY). In comparison to the existing agricultural water demand for the site of 1,586 AFY, the water demand for the proposal area would be 587 AFY less than the existing agricultural use.

- m) *The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments:*

Annexation will allow for the development of significant new housing areas within the City of Soledad. The City's current 2015-2023 Housing Element (adopted in 2019), which implements its 5th cycle RHNA for the 2015 to 2023 period, requires the City to zone for and accommodate 191 housing units (46 very low income units, 30 low income units, 35 moderate income units, and 80 above moderate income units).

The City's 6th cycle RHNA allocation for 2023 to 2031, which has been determined by AMBAG but has not yet been approved by the State, would require the City to zone for and accommodate 724 housing units (over two times higher than the previous cycle), which includes 100 very low income units, 65 low income units, 183 moderate income units, and 376 above moderate income units.

The City is required to prepare a 2023-2031 citywide Housing Element update for the 6th cycle RHNA by late 2023. The updated Housing Element will need to comprehensively address – to the satisfaction of the State Housing and Community Development Department – how the City will make it possible for the 6th cycle RHNA's housing allocation to be developed within the overall City of Soledad.

- n) *Any information or comments from the landowner or owners, voters, or residents of the affected territory:*

Most (approximately 640 acres) of the land within the Miramonte proposal is owned by the project proponent, HMBY LP (Nader Agha). The City of Soledad and the County of Monterey also own portions of the affected territory. The City is the proposal's applicant, and the County of Monterey has submitted a comment letter. LAFCO has not received comments on the proposal from any landowners within the proposal area, which is uninhabited.

- o) *Any information relating to existing land use designations:*

The Monterey County General Plan designates the Miramonte site as Farmland (40–160 acres minimum lot size) and Permanent Grazing (10-160 acres minimum). Approximately 75% of the site is identified as important farmland by the State Department of Conservation. In addition, the foothill portions of the project site are identified as being subject to wildland fires and are identified as a State Responsibility Area. According to the State of California, these areas are subject to fire hazards and typically consist of “timber, brush, undergrowth or grass.”

The City of Soledad has designated the site for residential and commercial development in the City's General Plan, and has pre-zoned the site accordingly. The annexation is consistent with, and would not affect, the City's existing land use designations.

- p) *The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities:*

The annexation would have no identified effect on issues related to environmental justice as defined in this section.

- q) *Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.*

Information contained in the proposal's documents and maps demonstrates that such hazards are relevant to the proposal area. The City of Soledad's certified EIR for this proposal identified that “In addition to adversely affecting target response times, development of the proposed project would expose people and/or structures to wildland fire hazards. More specifically, the foothill portions of the project site are identified as being subject to wildland fires and are identified as a ‘State Responsibility Area’ by the State of California.” However, the City's EIR concluded that project-related impacts associated with the exposure of people and/or structures to fire hazards are reduced to a less-than-significant level by mitigation measures identified and incorporated into the project. These measures include construction of a new/additional fire facility within the project area, along with implementing safety standards for water flow, water pressure, street width and access, and turning radius areas for fire equipment.

Section 6. In approving the proposed annexation, the Commission has considered its adopted policies, the most relevant provisions of which are outlined below.

Determination of Boundaries

- Boundaries should reasonably include all territory which would reasonably benefit from agency services.

Economics, Service Delivery and Development Patterns

- LAFCO shall discourage proposals that would have adverse financial impacts on the provision of governmental services or would create a relatively low revenue base in relationship to the cost of affected services.
- Applications must indicate that the affected agencies have the capability to provide service. Territory shall be annexed to a city or special district only if such agency has or soon will have the capability to provide service.
- LAFCO discourages proposals which will facilitate development that is not in the public interest due to topography, isolation from existing developments, premature intrusion of urban-type developments into a predominantly agricultural area, or other pertinent economic or social reason.

Phasing [of Annexations]

- LAFCO, in furtherance of its objectives of preserving prime agricultural land, containing urban sprawl, and in providing a reasonable assurance of a city/district's ability to provide services shall consider the appropriateness of phasing annexation proposals which include territory that[...] has an expected build-out over a period longer than five to seven years.

Groundwater Standards

- LAFCO will encourage those proposals which comply with adopted water allocation plans as established by applicable cities or water management agencies.
- LAFCO will discourage those boundary change proposals which, when considered individually and after taking into account all mitigation measures to be implemented with the project, still cause a significant adverse impact on the groundwater basin.

Regional Traffic Impacts

- LAFCO shall consider whether the proposal mitigates its regional traffic impacts by, for example, monetary contribution to a regional transportation improvement fund as established by the Transportation Agency of Monterey County (TAMC) or otherwise.

Efficient Urban Development Patterns

- LAFCO shall consider whether the city has included certain goals, policies, and objectives into its General Plan that encourage mixed uses, mixed densities, and development patterns that will result in increased efficiency of land use, and that encourages and provides planned, well-ordered, efficient urban development patterns.

Preservation Of Open-Space and Agricultural Lands

- A Proposal must discuss how it balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development.
- A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands.
- A Proposal must discuss whether it could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space land to uses other than open-space uses.

- Agricultural buffers provide an important means to preserve open-space and agricultural lands and preserve the integrity of planned, well-ordered, efficient urban development patterns.

Housing and Jobs

- Proposals must demonstrate through both quantitative and qualitative methods the relationship between the Proposal and the surplus or deficiency of local and county-wide housing supply and demand, and employment availability and creation.
- Additionally, the Proposal must demonstrate how its pattern of land use and transportation complements local and regional objectives and goals for the improvement of air quality and reduction of greenhouse gas (GHG) emissions and local vehicle miles traveled (VMT).

Section 7. The Commission has considered, as a part of its deliberations, all oral presentations and written communications received prior to the close of the public meeting.

Section 8. The proposal is approved subject to the following terms and conditions. The Certificate of Completion for the annexation shall not be issued until all terms and conditions are met.

- Acceptance of maps and/or property descriptions, as needed, by the State Board of Equalization;
- Payment of all fees incurred in the processing of the application consistent with the LAFCO fee schedule, including the fee required by the State Board of Equalization;
- The City shall agree, as a condition of the approval of this application to defend and indemnify at its sole expense any action brought against LAFCO (Commission and its staff), with respect to the approval of this application. The City will reimburse LAFCO for any and all attorneys' fees and court costs. LAFCO may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve the City of its obligations under this condition. The obligation on the part of the City to indemnify LAFCO is effective upon the adoption of this resolution and does not require any further action. Accepting the benefit of this resolution shall evidence the City's agreement to this term; and
- Agricultural Mitigation: In consultation with, and to the satisfaction of the LAFCO Executive Officer, the applicant and property owner shall identify and propose agricultural conservation easements in the vicinity of the 2016 City-County Memorandum of Agreement's designated Permanent Agricultural Edge or Urban Growth Boundary to the east, south, or west of city limits if suitable easement receiver sites are available, and/or pay in-lieu fees to a qualified land conservation entity to fund future acquisition of conservation easements. The required conservation easements and/or in-lieu fee payment amounts shall apply to lands within the affected territory that are designated as Prime Farmland or Farmland of Statewide Significance on the State of California Department of Conservation's 2018 important farmlands map. The proposed conservation easements and/or in-lieu fee payments, as well as the proposal's related western agricultural buffer easement, shall be executed to the satisfaction of the Executive Officer prior to recordation of the Certificate of Completion.

Section 9. The effective date for this reorganization shall be the filing of the Certificate of Completion.

Section 10. Pursuant to State law, if a Certificate of Completion for a change of organization or reorganization has not been filed within one year after the Commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the Commission for completion of necessary prerequisite actions by any party. If a proceeding has not been completed because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining the proceedings, this shall not be deemed a failure of completion and the one-year period shall be tolled for the time that order or decree is in effect. [Government Code section 57001].

Section 11. The proposed annexation is hereby approved as described in Exhibit "B," attached hereto and made a part hereof. The approved reorganization (City annexation plus special district detachments) is assigned the following distinctive short form designation: "City of Soledad – Miramonte Reorganization."

Section 12. The regular Monterey County assessment roll will be used; the annexation area will not be taxed for existing general bonded indebtedness of the City.

Section 13. Protest proceedings for this proposal are hereby waived, in accordance with Government Code sections 57000 *et seq.*

Section 14. If any provision of this resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution that can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable.

Section 15. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Section 56882 of the Government Code.

UPON MOTION of Commissioner Lopez, seconded by Commissioner Alejo, the foregoing resolution is adopted this 19th day of December, 2022 by the following vote:

AYES:	Commissioners: Alejo, Craig, Lopez, Poitras, Vice Chair Gourley, Chair Leffel
NOES:	Commissioners: Oglesby
ALTERNATES:	Commissioners: Root Askew, Kong, Snodgrass, Velazquez (Non-Voting)
ABSTAIN:	Commissioners: None
ABSTAIN:	Commissioners: None

By: 
Mary Ann Leffel, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 19th day of December, 2022

By: 
Kate McKenna, AICP, Executive Officer