

ORDINANCE NO. 718**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD APPROVING
PRE-ZONING OF 647 ACRES FROM AGRICULTURAL TO THE CITY OF SOLEDAD
MIRAMONTE SPECIFIC PLAN**

WHEREAS, the adopted City of Soledad 2005 General Plan designates certain lands for urban growth and development within areas designated by the General Plan as the Mirassou, San Vicente West Northwest Expansion Areas, and the North Entry Commercial Specific Plan Area and Entry Commercial Expansion Area; and

WHEREAS, Soledad General Plan (Program 2.1) does direct the City to pursue an application to the Monterey County Local Agency Formation Commission (LAFCO) for an amendment of its sphere of influence consistent with the General Plan; and

WHEREAS, the City of Soledad and the County of Monterey developed, adopted, and signed a memorandum of agreement (MOU) in 2016, incorporated herein by reference, to cooperate on common planning, growth, and development issues; and

WHEREAS, the MOU established planning principles for both parties to promote logical and orderly development, direct development away from the best agricultural lands, stay within the urban growth boundary established by the City's General Plan and the MOU, encourage "City Center" growth, and provide compact urban form development through the use of specific plans; and

WHEREAS, through the adoption of Resolution 2018-04, the Planning Commission recommended that the City Council of the City of Soledad initiate proceedings to apply to LAFCO for an amendment to its sphere of influence (SOI) to include approximately 647 acres of property ("Subject Property") to the city, which property currently falls within the Mirassou, San Vicente West and Northwest Expansion Areas as set forth in the City of Soledad's General Plan; and

WHEREAS, the subject property is located in unincorporated Monterey County generally between San Vicente Road and Orchard Lane north and west of the current City limits, and consists of Assessor's Parcel Numbers 417-151-082, 417-151-084, 417-151-089, 417-151-090, 417-151-091, 417-151-092, and additional properties in 257-081-005 and beyond to accommodate the San Vicente Road rights of way; and

WHEREAS, the City Council adopted Resolution 4565 in 2010 directing City Staff to pursue a SOI amendment contingent upon on receiving the applicant's revised specific plan, but those applications were never filed with Monterey County LAFCO to request the amendment because a revised specific plan was not received from the applicant; and

WHEREAS, the City of Soledad did, however, comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq., the CEQA Guidelines, California Code of Regulations, Title 14 Section 15000 et seq.; and the City Council, prior to or concurrent with the approval of Resolution 4565, considered and certified the Final Environmental Impact Reports for both the City of Soledad 2005 General Plan (SCN# 2005032722) and for the proposed 2010 Miravale III Specific Plan (SCN# 2006081129); and

WHEREAS, both adequately address the environmental effects of the proposed

Specific Plan and boundary change pursuant to CEQA, and with the adoption of the Soledad General Plan on September 21, 2005 the City Council did make certain findings of fact regarding the significant environmental impacts of the General Plan and did adopt a Statement of Overriding Consideration through approval of Resolution 3678; and

WHEREAS, the Applicant for the Miravale III project resubmitted project applications on July 26, 2016, under the name Miramonte, for a reduced size project; and

WHEREAS, in an attempt to address the 2010 City Council concerns, the Applicant reduced the project planning boundary from 920 acres to 647 acres (a 273 acre project reduction) and the project residential density from 4,200 to 2,392 (a 2,081 residential unit reduction), as well as removing residential lots from above the 400 foot contour consistent with the City's General Plan; and

WHEREAS, it is found by the City Council that due to the reduction in size of the project boundary (by 273 acres) and density (by 2,081 residential units) that the 2010 certified Miravale III FEIR is adequate to evaluate the proposed project with the addition of an Addendum, prepared in accordance with Section 15164 of the CEQA guidelines, to describe the revised and reduced project and to clarify mitigations contained in the 2010 certified FEIR; and

WHEREAS, the City of Soledad City Council adopted the Addendum and Mitigation Monitoring and Reporting Program for the 2010 certified Miravale III FEIR through Resolution 5431 and Resolution 5432; and

WHEREAS, the principal reasons for Pre-zoning the subject properties is as follows:

1. The City Council finds that an amendment to the City's General Plan and adoption of the Miramonte Specific Plan is consistent with and facilitates the fulfillment of the goals, policies and objectives set forth in the City of Soledad General Plan, as the plan area and subject properties are proposed for future development in the 2005 Soledad General Plan; and

2. The City Council finds that the Specific Plan has been revised in accordance with the 2010 City Council direction and/or mitigation measures identified in the certified Miravale III Specific Plan FEIR or the Addendum to that FEIR; and

3. The City Council finds that it is appropriate to request LAFCO amend the City's SOI for this 647 acre territory, including the San Vicente Road corridor, and that this action is consistent with the MOU by directing growth within the Urban Growth Boundary, directing development away from the best agricultural lands, meeting "City-Centered" growth principles, preparing a specific plan that includes residential densities that ensure a compact urban form and help to preserve and buffer agricultural uses from premature conversion, and provide a substantial public benefit in public parks, open space, and the preservation of hillside views and natural resources; and

4. The City Council finds and recognizes that a LAFCO amendment to the SOI and annexation of the subject properties and adjoining roadways to the City is a prerequisite to implementation of the Miramonte Specific Plan re-zoning; and

5. The City Council amended the City's General Plan Land Use Map to include a designation of the "Miramonte Specific Plan" area, noted as "MM-SP" on the map, over the subject properties and adopted the Miramonte Specific Plan through Resolution 5433; and

6. The City Council through Ordinance 718, pre-zones the subject properties to "Miramonte Specific Plan" ("MM-SP"), as illustrated in Exhibit A, and said Specific Plan contains modifications of standards contained in the City of Soledad Municipal Code that are applicable within and only within the Miramonte Specific Plan boundary; and

7. The City Council finds that pre-zoning of the subject properties becomes effective upon LAFCO's action to amend the SOI and final certification of the reorganization (annexation) of the properties to the City of Soledad; and

8. The City, as a part of their consideration of the Pre-zoning, reviewed and considered the CEQA and Project Findings, attached to the SOI Amendment Resolution and incorporated herein by reference; and

9. The City Council further finds that this Pre-zoning will promote the general health, safety and welfare of the community; and

WHEREAS, the City of Soledad Planning Commission and City Council members held a joint duly noticed public workshop on September 14, 2017 to review the previous plan area and project history, past actions, the current plan area and project description, available documentation on the project, currently proposed actions, and to hear public testimony; and

WHEREAS, notice of time and place of hearing for the City Council's deliberations regarding Pre-zoning the subject properties was given in the manner prescribed by law and by the City; and

WHEREAS, the City Council at its duly noticed public hearings August 28, 2018, October 23, 2018 and November 7, 2018 considered the Pre-zoning of the subject properties, the Staff Report and presentation, public testimony, documentary evidence introduced and received during the public hearing along with the entire public record, weighed the evidence before it and made CEQA and Project Findings, and recommends that the City Council Pre-zone the subject properties as "Miramonte Specific Plan" area ("MM-SP"), as illustrated in Exhibit A and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Soledad Pre-zones the Miramonte Specific Plan Area and subject properties "MM-SP" as follows:

1. All of the recitals set forth above are true and correct to the best of the City Council's knowledge, and are incorporated herein by reference and made part of this resolution by this reference; and

2. That the City Council has been provided with and reviewed all evidence

available in the administrative record to support the findings of project consideration, as well as the Staff Report, presentation by staff, written and oral testimony (collectively, the “Record of Proceedings”), and hereby provides notification that the Record of Proceedings is on file with the clerk of the City of Soledad; and

3. The City Council has reviewed and considered the 2010 certified Miravale III FEIR, the Addendum to that document, the Mitigation Monitoring and Reporting Program, the CEQA Findings, including the Statement of Overriding Considerations, and the Project Findings, all of which is incorporated herein by reference; and

4. Based upon the City Council’s review of the evidence in the record, it finds that the statement of Overriding Considerations provides substantial evidence that the environmental risks of approving the Pre-zoning of the subject properties have been balanced against the benefits of the Miramonte Specific Plan; and

5. Finds that, after reviewing the Record of Proceedings, findings supported by evidence in the record provide cause for recommending approval of the Pre-zoning of the subject properties; and

6. The City Council finds and takes action to designate the subject properties “MM-SP” (Miramonte Specific Plan), illustrated on the map in Exhibit A, in Pre-zoning the land within the plan area, and adopted the CEQA and Project Findings, incorporated herein by reference.

7. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in a newspaper of general circulation in the City of Soledad.

This ordinance was introduced and read at a regular meeting of the City Council on the 7th day of November, 2018, and was finally adopted by the Council on the ___ day of December, 2018 by the following vote.

PASSED AND ADOPTED this ___ day of December, 2018, by the City Council of Soledad, by the following vote:

AYES, and in favor thereof, Councilmembers:
NOES, Councilmembers:
ABSTAIN, Councilmembers:
ABSENT, Councilmembers:

FRED J. LEDESMA, Mayor

ATTEST:

MICHAEL MCHATTEN, City Clerk

EXHIBIT A

PRE-ZONING MAP
