

## **RESOLUTION NO. 5433**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD APPROVING AN AMENDMENT TO THE CITY OF SOLEDAD GENERAL PLAN AND APPROVE THE MIRAMONTE SPECIFIC PLAN, INVOLVING APPROXIMATELY 647 ACRES**

**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**, the City Council of the City of Soledad desires to 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, Northwest Expansion Areas, and North Entry Commercial Specific Plan Area and Entry Commercial Expansion Area, 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 in 2010 adopted Resolution 4565 directing City Staff to pursue a SOI amendment, contingent on receiving the applicant's revised specific plan; and,

**WHEREAS**, 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 the approval of Resolution 4565, considered and adopted Resolution 4564 certifying the Final Environmental Impact Report for the proposed 2010 Miravale III Specific Plan (SCN# 2006081129); and

**WHEREAS**, the City of Soledad prior to the approval of Resolution 4564 and Resolution 4565, considered and certified the Final Environmental Impact Report for the City of Soledad 2005 General Plan (SCN# 2005032722), 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 City of Soledad certified the Final Environmental Impact Report for the City of Soledad 2005 General Plan (SCN# 2005032722) and the Final Environmental Impact Report for the proposed 2010 Miravale III Specific Plan (SCN# 2006081129) adequately address the environmental effects of the proposed Specific Plan and boundary change pursuant to CEQA; and

**WHEREAS**, the Applicant for the Miravale III project in an attempt to address the 2010 City Council concerns resubmitted project applications on July 26, 2016, under the name Miramonte, for a reduced size project; and

**WHEREAS**, the Applicant has 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 City Council direction provided in Resolution 4564; and

**WHEREAS**, it has been determined by City Staff and recommended by the Planning Commission 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 Miravale III FEIR; and

**WHEREAS**, the City of Soledad Planning Commission on June 12, 2018 recommended that the City Council adopt a Statement of Overriding Considerations and adopt the Addendum to the 2010 certified Miravale III FEIR, and Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the City Council of the City of Soledad at a duly-noticed public hearing on August 28, 2018, adopted Statement of Overriding Considerations and the Addendum to the 2010 certified Miravale III FEIR, and Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the City Council of the City of Soledad identifies and determines the principal reasons for amending the City's General Plan and adopting the Miramonte Specific Plan are as follows:

1. The proposed 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 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. 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. A LAFCO amendment to the City of Soledad General Plan SOI and annexation of the subject properties and adjoining roadways to the City is a prerequisite to implementation of the Miramonte Specific Plan; and

5. An amendment of the City's General Plan Land Use Map and related text is needed to include a designation of the "Miramonte Specific Plan" area, noted as "MM-SP" on the map, over the subject properties and adopt the Miramonte Specific Plan; and

6. The City Council, as a part of their consideration of the General Plan Amendment and Adoption of the Specific Plan, has reviewed and considered the CEQA and Project Findings, attached to the SOI Amendment Resolution and incorporated herein by reference; and

7. The amendment to the City's General Plan and adoption of the Specific Plan is consistent with and will implement the General Plan promote the general health, safety and welfare of the community; and

**WHEREAS**, the City of Soledad Planning Commission and City Council members participate in a duly-noticed joint 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**, the Planning Commission at its regularly scheduled meetings of April 12, 2018, May 10, 2018, and June 14, 2018, during which it considered the amendment to the City's General Plan, 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 approve the General Plan Amendment and adopt the Miramonte Specific Plan; and

**WHEREAS**, the City Council held a duly noticed special informational workshop on July 18, 2018, during which it received information and made comments on the amendment to the City's General Plan, the Staff Report and presentation, public testimony, documentary evidence including the EIR Addendum; and,

**WHEREAS**, notice of time and place of hearing for the City Council's deliberations regarding an amendment to the City's General Plan and adoption of the Miramonte Specific Plan was given in the manner prescribed by law and by the City; and

**WHEREAS**, the City Council held duly noticed public hearings on August 28, 2018, October 23, 2018 and November 7, 2018 at which it considered the amendment to the City's General Plan, 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.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Soledad approves the General Plan Amendment and adopts the Miramonte Specific Plan 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 declares that it 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 declares it 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 General Plan Amendment and adopting the Specific Plan have been balanced against the benefits to the community 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 approving the General Plan Amendment and adopting the Miramonte I Specific Plan; and

6. The City Council declares by adoption of this Resolution that they have amended the City of Soledad General Plan Land Use Map to designate the subject properties, MM-SP (Miramonte Specific Plan), illustrated on the map in **Exhibit A**, adopt the Miramonte Specific Plan, incorporated herein by reference, and adopted the CEQA and Project Findings, incorporated herein by reference.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of November, 2018, by the City Council of Soledad, by the following vote:

**AYES**, and in favor thereof, Councilmembers: Christopher Bourke, Mayor Pro Tem Alejandro Chavez, Carla Stewart and Mayor Fred Ledesma

NOES, Councilmembers: Velazquez

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

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FRED J. LEDESMA, Mayor

ATTEST:

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MICHAEL MCHATTEN, City Clerk

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# **EXHIBIT A**

## **GENERAL PLAN AMENDMENTS**

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