

RESOLUTION NO. 5434

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD REQUESTING THE INITIATION OF MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) PROCEEDINGS IN CONNECTION WITH A SPHERE OF INFLUENCE AMENDMENT, RELATED TO THE MIRAMONTE SPECIFIC PLAN AREA AND INVOLVING APPROXIMATELY 647 ACRES WITHIN THREE EXPANSION AREAS, CONSISTENT WITH THE ADOPTED GENERAL 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 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 Monterey County Local Agency Formation Commission ("LAFCO") is the agency with jurisdiction over SOI amendments within Monterey County; 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 SOI to include approximately 647 acres of property ("Subject Property") to the city as illustrated in **Exhibit A**, which property currently falls within the Mirassou, San Vicente West, Northwest Expansion Areas, and the 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, on August 12, 2010, the Planning Commission, conducted a noticed public hearing to consider a recommendation to the City Council for initiating a SOI amendment request, and considered the Staff Report and oral report for this item; and

WHEREAS, the Planning Commission, through adoption of Resolution 2010-15, resolved to recommend that the City Council of the City of Soledad hold a public hearing and, thereupon, provide direction for preparation of a SOI amendment application to LAFCO, contingent

upon the provision of adequate funding and application fees by the Miravale III project applicant; and

WHEREAS, notice of the public hearing on Resolution 2010-15 was given and published in the manner required by law and by the City, and the public hearing on this resolution was held on September 1, 2010 before the City Council; and

WHEREAS, the City of Soledad complied 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 Miravale III Specific Plan (SCN# 2006081129); and

WHEREAS, both adequately address the environmental effects of the proposed boundary change pursuant to CEQA; and

WHEREAS, prior to 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, although the City Council adopted Resolution 4565 and directed City Staff to pursue a SOI amendment, applications were never filed with Monterey County LAFCO to request the amendment; 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, the City Council of the City of Soledad finds that the principal reasons for the proposed SOI boundary change are as follows:

1. The City Council finds that the proposed Sphere of Influence amendment is consistent with and facilitates the fulfillment of the goals, policies and objectives set forth in the City of Soledad General Plan; and
2. The plan area and associated properties are proposed for future development pursuant to the 2005 Soledad General Plan and the Miramonte Specific Plan; and
3. 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; and
4. The City Council finds that the request for a Sphere of Influence Amendment

of this 647 acre territory, including the San Vicente Road corridor, and as illustrated in Exhibit A 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

5. The City Council finds and recognizes that an amendment to the SOI boundary to include the subject parcels and adjoining roadways is a prerequisite to LAFCO annexation of the territory; and

6. The City Council finds that the City of Soledad shall initiate consultation with Monterey County and LAFCO for the SOI amendment, as illustrated in Exhibit A attached hereto and incorporated herein by reference; and

7. The City Council finds that this SOI amendment will not create islands or other discontinuous parcels within the City, because the plan area and subject properties are contiguous with the existing City of Soledad limits; and

8. The City Council further finds that this SOI amendment will promote the general health, safety and welfare of the community; and

WHEREAS, it was determined by City Staff and City Council that due to the reduction in size of the project boundary (by 273 acres) and density (by 5,489 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 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, 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, notice of time and place of hearing for the City Council’s deliberations regarding amendment to the City’s SOI was given in the manner prescribed by law and by the City; and

WHEREAS, the City Council of the City of Soledad at public hearings held August 28, 2018, October 23, 2018 and November 7, 2018 considered the amendment to the City’s SOI, 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 Findings pursuant to City Council Resolution No. 5431, incorporated herein by reference, and requests initiation of proceedings to amend the City’s SOI boundary to include the Miramonte Specific Plan Area and subject properties (Exhibit A).

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Soledad requests initiation of LAFCO proceedings for a SOI Amendment to include the Miramonte Specific Plan Area and subject properties 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

2. That the City Council recommends that the Local Agency Formation Commission of Monterey County, based on the findings and evidence incorporated herein, initiate proceedings to amend the City of Soledad SOI boundary to include the plan area and subject properties as illustrated in Exhibit A; and

3. The City Council directs City Staff to prepare all such documents as may be required to facilitate the SOI amendment application in the following manner:

a) City Staff will prepare, or have prepared, the LAFCO application, SOI Amendment map, Plan for Services and updated Fiscal Impact Analysis. All work related to the LAFCO application, SOI amendment map, Plan for Services and updated Fiscal Impact Analysis shall be undertaken at the applicant's expense; and

b) The applicant shall deposit funds with the City in an amount sufficient to allow for completion of the SOI application, LAFCO application fees, and the preparation of an updated Fiscal Analysis and Plan for Services that conforms with City infrastructure and public facility master plan requirements and meets LAFCO standards.

PASSED AND ADOPTED this 7th day of November, 2018, by the City Council of Soledad, by the following vote:

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

NOES, Councilmembers: Velazquez

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

FRED J. LEDESMA, Mayor Chairman

ATTEST:

MICHAEL MCHATTEN, City Clerk

EXHIBIT A

SPHERE OF INFLUENCE AMENDMENT MAP
