

**RESOLUTION NO. 5435**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD REQUESTING THAT THE MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) INITIATE PROCEEDINGS IN CONNECTION WITH REORGANIZATION, INCLUDING ANNEXATION, OF LAND 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 Sphere of Influence (SOI) amendments and reorganizations of boundaries within Monterey County; and

**WHEREAS**, the City Council of the City of Soledad requests that proceedings to apply to LAFCO for reorganization are initiated, including annexation of approximately 647 acres of property ("Subject Property") to the city as illustrated on a map prepared by the applicant's engineer consistent with the sphere boundary amendment shown in the **Exhibit A** of City Council Resolution 5434, incorporated herein by reference, and 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 this resolution 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 reorganization of boundaries, including annexation to the City of Soledad, are as follows:

1. The City Council finds that the proposed reorganization (annexation) 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 subject properties are proposed for future development pursuant to the 2005 Soledad General Plan, the General Plan Amendment and the Miramonte Specific Plan, all of which are incorporated herein by reference; 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 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, 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 requests that the City of Soledad initiate an application to LAFCO amend the SOI boundary to include the subject properties and adjoining roadways and recognizes this action as a prerequisite to LAFCO Reorganization, including Annexation, of the territory; and

6. The City Council requests that the City of Soledad initiate consultation with Monterey County and LAFCO for the reorganization; and

7. The City Council finds that this Reorganization, including Annexation, 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 Staff and City Council request the preparation of a Miramonte Plan Area “Plan for Services” and “Fiscal Impact Analysis”, and to include these documents in any application submittal to LAFCO for a SOI amendment and Reorganization, including Annexation, of the Miramonte Plan Area; and

9. The City Council has approved the Pre-zoning of the Miramonte Plan Area through Ordinance 718 and subject properties; and

10. The City Council further finds that this LAFCO Reorganization/Annexation will promote the general health, safety and welfare of the community; and

**WHEREAS**, it is found by City Staff and 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 Planning Commission and City Council members held a joint duly noticed public workshop 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 the request to LAFCO to reorganize and annex territory was given in the manner prescribed by law and by the City; and

**WHEREAS**, the City Council, at public hearings on August 28, 2018, October 23, 2018 and November 7, 2018 considered the Reorganization (Annexation), 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, attached to the SOI Amendment Resolution and incorporated herein by reference, and requests the initiation of LAFCO proceedings to reorganize boundaries, including annexation of the territory identified as the Miramonte Specific Plan Area and subject properties.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Soledad requests the initiation of LAFCO proceedings to reorganize boundaries and annex lands to the City of Soledad known as Miramonte Specific Plan Area 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 finds 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 finds that 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 Reorganization, including Annexation, 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 the City Council to approve a request for the Reorganization (Annexation); and

6. That this Resolution of Application is hereby adopted by the City Council, and the Local Agency Formation Commission of Monterey County is hereby requested to initiate proceedings to Reorganize boundaries and Annex the plan area and subject properties to the City of Soledad; and

7. The City Council, as supporting evidence, hereby requests the submission of a

“Plan for Services” and “Fiscal Impact Analysis” to LAFCO with the City’s request for a SOI Amendment and Reorganization, including Annexation, of the Miramonte Plan Area and subject properties.

**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 Fred Ledesma, Mayor Pro Tem Alejandro Chavez and Carla Stewart

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