

## 2022

### Commissioners

#### Chair

Mary Ann Leffel  
*Special District Member*

#### Vice Chair

Matt Gourley  
*Public Member*

Luis Alejo

*County Member*

Wendy Root Askew

*County Member, Alternate*

Kimbley Craig

*City Member*

David Kong

*Special District Member,  
Alternate*

Christopher Lopez

*County Member*

Ian Oglesby

*City Member*

Warren Poitras

*Special District Member*

Steve Snodgrass

*Public Member, Alternate*

Anna Velazquez

*City Member, Alternate*

### Counsel

Kelly L. Donlon

*General Counsel*

### Executive Officer

Kate McKenna, AICP

132 W. Gabilan Street, #102  
Salinas, CA 93901

P. O. Box 1369  
Salinas, CA 93902

Voice: 831-754-5838

[www.monterey.lafco.ca.gov](http://www.monterey.lafco.ca.gov)

# AGENDA

## Special Commission Meeting

This meeting will be conducted remotely by Zoom App and Livestreamed on the LAFCO of Monterey County YouTube channel.

# Monday, December 19, 2022

# 4:00 PM

IMPORTANT COVID-19 NOTICE ON PAGE 2

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## IMPORTANT NOTICE REGARDING COVID-19

In order to minimize the spread of the COVID-19 virus, the Commission will hold this meeting virtually only, without a physical location for public participation. The meeting is accessible by phone or video conference and livestreaming.

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## Public Participation Instructions

- To Participate in the Meeting:** Use the Zoom app on your smart phone, laptop, tablet or desktop and click on this link: <https://montereycty.zoom.us/j/95361817894>  
  
The meeting ID is: [953 6181 7894](https://montereycty.zoom.us/j/95361817894). There is no password. To make a public comment, please “Raise your Hand.”
- To View this Meeting:** Please click on the following link to the LAFCO of Monterey County YouTube site: <https://www.youtube.com/channel/UCIF6pPx2hn3Ek94Wg0Ul7QA>  
  
Then click on the Live Stream of the scheduled meetings.
- To Participate by Phone:** Please call: +1 669 900 6833  
Enter the meeting ID: [953 6181 7894](https://montereycty.zoom.us/j/95361817894) when prompted. There is no participant code – just enter the and the pound sign # after the recording prompts you. To make a public comment by phone, please push \*9 on your phone keypad.
- To Make Remote Public Comments Via Email:** Written comments can be emailed to the Clerk to the Commission at: [malukis@monterey.lafco.ca.gov](mailto:malukis@monterey.lafco.ca.gov). Please include the following Subject Line: “Public Comment – Agenda Item #\_\_”. Written comments must be received by noon on the day of the meeting. All submitted comments will be provided to the Commission for consideration, compiled as part of the record, and may be read into the record.

**AGENDA**  
**SPECIAL COMMISSION MEETING**  
**Monday, December 19, 2022**

Call to Order

Roll Call

Pledge of Allegiance

General Public Comments

*Anyone may address the Commission briefly about items not already on the Agenda.*

Consent Agenda

*All items on the Consent Agenda will be approved in one motion and there will be no discussion on individual items, unless a Commissioner or member of the public requests a specific item to be pulled from the Consent Agenda for separate discussion.*

1. [Approve Draft Minutes from the December 5, 2022 Special and Regular LAFCO Commission Meetings.](#)

Recommended Action: Approve minutes.

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Public Hearing – Continued from the Regular December 5, 2022 LAFCO Meeting

2. [City of Soledad Miramonte proposal – Adoption of a resolution implementing the Commission’s December 5, 2022 decision directing staff to prepare a resolution approving the full 654-acre Miramonte annexation as proposed by the City, subject to revisions to the City’s proposed agricultural mitigation actions and agricultural buffer \(LAFCO file 20-01 – continued from the regular December 5, 2022 LAFCO meeting\)](#)

(CEQA: Environmental impact report and subsequent addendum).

Recommended Actions:

1. Receive a report and presentation from the Executive Officer;
2. Receive any comments from City representatives;
3. Receive public comments;
4. Provide for questions or follow-up discussion by the Commission; and
5. Consider new information received from the property owner and City of Soledad regarding the proposal’s agricultural mitigation actions and agricultural buffer and either
  - a. Adopt a resolution (Attachment 1) implementing the Commission’s December 5, 2022 decision directing staff to prepare a resolution approving the full Miramonte annexation with revisions to the City’s proposed agricultural mitigation actions and agricultural buffer, or
  - b. Continue this agenda item to the regular January 23, 2023 LAFCO meeting if the Commission finds the new information to be inadequate.

### Executive Officer's Communications

The Executive Officer may make brief announcements about LAFCO activities, for information only.

### Commissioner Comments

Individual Commissioners may comment briefly on matters within the jurisdiction of LAFCO. No discussion or action is appropriate, other than referral to staff or setting a matter as a future agenda item.

### Adjournment to the Next Meeting

The next regular hybrid (in person & remote) LAFCO Meeting is scheduled for Monday, January 23, 2023 at 4:00 pm.

The Political Reform Act requires that a participant in a LAFCO of Monterey County proceeding who has a financial interest in a change of organization or reorganization proposal and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the LAFCO of Monterey County website at [www.monterey.lafco.ca.gov](http://www.monterey.lafco.ca.gov).

**AMERICANS WITH DISABILITIES ACT (ADA):** All regular and special meeting agendas and associated reports are available at [www.monterey.lafco.ca.gov](http://www.monterey.lafco.ca.gov). Any person with a disability under the ADA may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with LAFCO of Monterey County staff at (831) 754-5838 at least three business days prior to the respective meeting.

**2022**

**Commissioners**

**Chair**

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*Special District Member*

**Vice Chair**

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**Counsel**

Kelly L. Donlon

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*Special Meeting DRAFT MINUTES*  
**LOCAL AGENCY FORMATION COMMISSION  
OF MONTEREY COUNTY**

*Scheduled for Adoption December 19, 2022*

Monday, December 5, 2022

Board of Supervisors Chambers  
Monterey County Government Center  
168 West Alisal Street, First Floor  
Salinas, California

*All Commissioners and public participated in the meeting on Monday, December 5, 2022 in person or by Zoom video conference or telephone.*

**Call to Order**

The Local Agency Formation Commission was called to order by Chair Leffel at 4:07 p.m.

**Roll Call**

Commissioner Alejo

Commissioner Root Askew

Commissioner Craig

Commissioner Kong

(Attended meeting via Zoom)

Commissioner Lopez

Commissioner Oglesby

(Attended meeting via Zoom)

Commissioner Poitras

Commissioner Snodgrass

Commissioner Velazquez

(Attended meeting via Zoom)

Vice Chair Gourley

Chair Leffel

**Members Absent (Excused Absence)**

None

**Staff Present**

Kate McKenna, Executive Officer

Darren McBain, Principal Analyst

Jonathan Brinkmann, Senior Analyst

Safarina Maluki, Clerk to the Commission/Office Administrator

### Also Present

Mike Briley, CPA, CGMA, Regional Managing Principal, CliftonLarsonAllen, LLP  
(Attended meeting via Zoom)  
Karen Campbell, CPA and Senior Audit Manager, Bianchi Kasavan and Pope, LLP  
Kelly L. Donlon, General Counsel

### Pledge of Allegiance

Commissioner Gourley led the Pledge of Allegiance.

### General Public Comments

*Anyone may address the Commission briefly about items not already on the Agenda.*

There were no public comments.

### Special Business

- 0.1 Approve finding, pursuant to AB 361 and in order for the Commission to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

Recommended Action: Pursuant to AB 361 and in order for the Commission to continue to meet remotely, the Commission finds: that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies of local agencies.

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

#### Commissioner Action:

Upon motion by Commissioner Lopez, seconded by Commissioner Gourley, the Commission approved the finding pursuant to AB 361 and in order for the Commission to continue to meet remotely; the Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

Motion Carried:

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

### Adjournment to the Next Meeting

The special meeting was adjourned at 4:10 p.m. The next regular hybrid (in person and remote) LAFCO Meeting on December 5, immediately follows this special meeting.

The Political Reform Act requires that a participant in a LAFCO of Monterey County proceeding who has a financial interest in a change of organization or reorganization proposal and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

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DRAFT

2022

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## *Regular Meeting DRAFT MINUTES* LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

*Scheduled for Adoption December 19, 2022*

Monday, December 5, 2022

Board of Supervisors Chambers  
Monterey County Government Center  
168 West Alisal Street, First Floor  
Salinas, California

*All Commissioners and public participated in the meeting on Monday, December 5, 2022 in person or by Zoom video conference or telephone.*

### Call to Order

The Local Agency Formation Commission was called to order by Chair Leffel at 4:11 p.m.

### Roll Call

Commissioner Alejo

Commissioner Root Askew

Commissioner Craig

Commissioner Kong

(Attended meeting via Zoom)

Commissioner Lopez

Commissioner Oglesby

(Attended meeting via Zoom)

Commissioner Poitras

Commissioner Snodgrass

Commissioner Velazquez

(Attended meeting via Zoom)

Vice Chair Gourley

Chair Leffel

### Members Absent (Excused Absence)

None

### Staff Present

Kate McKenna, Executive Officer

Darren McBain, Principal Analyst

Jonathan Brinkmann, Senior Analyst

Safarina Maluki, Clerk to the Commission/Office Administrator



### Also Present

Mike Briley, CPA, CGMA, Regional Managing Principal, CliftonLarsonAllen, LLP  
(Attended meeting via Zoom)

Karen Campbell, CPA and Senior Audit Manager, Bianchi Kasavan and Pope, LLP  
Kelly L. Donlon, General Counsel

### Pledge of Allegiance

Chair Leffel dispensed with the Pledge of Allegiance, following the Pledge of Allegiance at the Special Meeting held prior to the Regular Meeting.

### General Public Comments

*Anyone may address the Commission briefly about items not already on the agenda.*

There were no public comments.

### Consent Agenda

*All items on the Consent Agenda will be approved in one motion and there will be no discussion on individual items, unless a Commissioner or member of the public requests a specific item to be pulled from the Consent Agenda for separate discussion.*

1. Approve Draft Minutes from the September 26, 2022 Special and Regular LAFCO Commission Meetings.  
Recommended Action: Approve minutes.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
2. Approve Draft Notes from the November 2, 2022 Budget & Finance Committee Meeting  
Recommended Action: Approve notes.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
3. Accept Actuarial Report of Other Post-Employment Benefits (GASB 75) for Fiscal Year Ending June 30, 2022.  
Recommended Action (By Budget & Finance Committee): Accept report for information only.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
4. Adopt the Year-End Financial Statements for Fiscal Year Ending June 30, 2022.  
Recommended Action (By Budget & Finance Committee): Adopt the official year-end financial statements for the period ending June 30, 2022.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
5. Adopt the Quarterly Financial Statements for Period Ending September 30, 2022.  
Recommended Action (By Budget & Finance Committee): Adopt the financial statements for the period that ended on September 30, 2022.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
6. Accept the October 31, 2022 Draft Balance Sheet and Income Statement.  
Recommended Action: Accept statements for information only.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
7. Accept CalPERS Retirement Plan Actuarial Valuation Reports for Fiscal Year Ending June 30, 2021, Dated July 2022.  
Recommended Action (By Budget & Finance Committee): Accept reports for information only.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

8. Adopt a Resolution Approving an Amendment to the Executive Officer's Spending Authority Policy. Recommended Action (By Budget & Finance Committee): Adopt the resolution.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
9. Accept Correspondence Regarding the Merger of Hayashi & Wayland, LLP with CliftonLarsonAllen, LLP, effective November 1, 2022. Recommended Action (By Budget & Finance Committee): Accept correspondence for information only.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
10. Approve Report on Anticipated Agenda Items and Progress Report on LAFCO Special Studies. Recommended Action: Approve report for information only.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
11. Accept Report on Activities of the California Association of Local Agency Formation Commissions. Recommended Action: Accept report for information only.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

There were no public or commissioner requests to pull any item for separate discussion.

Commissioner Action:

Upon motion by Commissioner Gourley seconded by Commissioner Craig, the Commission approved Consent Agenda Items #1 – #11 by a Roll Call Vote.

Motion Carried (Roll Call Vote):

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

New Business

12. Consider the Final Annual Audit Report for Fiscal Year Ending June 30, 2022. Recommended Actions (by Budget and Finance Committee):
  - 1.) Receive the Executive Officer's Report;
  - 2.) Receive a presentation from Ms. Karen Campbell, CPA and Senior Audit Manager, Bianchi Kasavan and Pope, LLP;
  - 3.) Receive any public comments;
  - 4.) Provide for any questions or follow-up discussion by the Commission; and
  - 5.) Adopt the final audit for the fiscal year ending June 30, 2022.  
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Karen Campbell, CPA presented the report.

There were no public comments.

Ms. Campbell answered questions from Commissioner Snodgrass.

Commission Action:

Upon motion by Commissioner Alejo and seconded by Commissioner Lopez, the Commission adopted the final audit for the fiscal year ending June 30, 2022.

Motion Carried (Roll Call Vote):

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

Public Hearings

13. Consideration of 2022 Municipal Service Review and Sphere of Influence Study for the City of Soledad

Recommended Actions:

- 1.) Receive a report from the Executive Officer;
- 2.) Open the public hearing and public comment period, receive any public comments, and close the public hearing;
- 3.) Provide for questions or follow-up discussion by the Commission;
- 4.) Consider the Public Review Draft *2022 Municipal Service Review and Sphere of Influence Study for the City of Soledad* ("Study," Attachment 1); and
- 5.) Consider and adopt a resolution (Attachment 2) to:
  - a. Find the action exempt from provisions of the California Environmental Quality Act (CEQA) under Sections 15306 and 15061(b)(3) of the CEQA Guidelines; and
  - b. Adopt the Study and make the recommended Municipal Service Review and Sphere of Influence determinations in accordance with Government Code sections 56430(a) and 56425(e), respectively, as set forth in the Study.  
(CEQA: Categorical Exemption, California Environmental Quality Act Guidelines Sections 15306 and 15061(b)(3)).

Executive Officer McKenna & Senior Analyst Brinkmann presented the report.

There were no comments from the public.

There were no comments from the Commissioners.

Commission Action:

Upon motion by Commissioner Lopez and seconded by Commissioner Alejo, the Commission adopted a resolution approving the 2022 Municipal Service Review and Sphere of Influence Study for the City of Soledad.

Motion Carried (Roll Call Vote):

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

14. Consider the City of Soledad’s Miramonte proposal, involving an increase in the city’s sphere of influence by approximately 654 acres and concurrent annexation of this area to the city. The proposal would also involve detachment of this area from the Mission Soledad Rural Fire Protection District and the Resource Conservation District of Monterey County. The annexation area would accommodate future development of up to approximately 2,392 residential dwellings, 100,000 square feet of commercial/retail space, and related public uses. (LAFCO file 20-01)

Recommended Actions:

1. Receive a report and presentation by the Executive Officer, including input from economic consultant Richard Berkson;
2. Receive a presentation by the City of Soledad;
3. Open the public hearing, receive any public comments, and close the public comment period;
4. Provide for questions or follow-up discussion by the Commission;
5. Adopt a resolution to consider the 2010 Final Environmental Impact Report and 2018 Addendum that the City prepared to address the Miramonte proposal’s potential environmental effects, adopt findings of fact and a statement of overriding considerations pursuant to the California Environmental Quality Act, and approve the sphere of influence amendment component of the City’s proposal (Attachment 1); and
6. Continue the public hearing for the annexation and detachments components of the proposal to the regular January 23, 2023 LAFCO meeting, for the purpose of requiring revisions to the proposal to achieve consistency with LAFCO policies.

Executive Officer McKenna and Principal Analyst McBain presented the report.

There were comments from the public.

There were comments and questions from the Commissioners.

Commission Action:

Upon motion by Commissioner Gourley and seconded by Commissioner Lopez, the Commission adopted the resolution of statement of overriding considerations pursuant to the California Environmental Quality Act and approved the sphere of influence amendment of the City of Soledad to include the approximately 654-acre Miramonte specific plan area ((LAFCO File No. 20-01).

Motion Carried (Roll Call Vote):

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

Commission Actions:

Upon motion by Commissioner Lopez, and seconded by Commissioner Alejo, the motion was made to continue the public hearing to a date before the end of the calendar year 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 of Soledad, subject to revisions to the City’s proposed agricultural mitigation actions and agricultural buffer, including consideration of potential conditions of approval relating to these items, to be determined in consultation among the applicant, the City representatives and LAFCO staff.

Motion Carried (Roll Call Vote):

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

Executive Officer’s Communications

*The Executive Officer may make brief announcements about LAFCO activities, for information only.*

15. Executive Officer’s Communications

- a. Presentation to County Counsels’ Association of California;
- b. Assistance to San Benito LAFCO, and
- c. Clerk to the Commission/Office Administrator Training.

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Commissioner Comments

*Individual Commissioners may comment briefly on matters within the jurisdiction of LAFCO. No discussion or action is appropriate, other than referral to staff or setting a matter as a future agenda item.*

There were no Commissioner comments.

Adjournment to the Next Meeting

A motion to adjourn was made by Commissioner Alejo and seconded by Commissioner Craig.

The meeting was adjourned by Chair Leffel at 8:00 p.m. The next special LAFCO Meeting (remotely by Zoom) is scheduled for Monday, December 19, 2022 at 4:00 pm.

*The Political Reform Act requires that a participant in a LAFCO of Monterey County proceeding who has a financial interest in a change of organization or reorganization proposal and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission’s staff before the hearing.*

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DRAFT

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

KATE McKENNA, AICP  
Executive Officer

LOCAL AGENCY FORMATION COMMISSION  
P.O. Box 1369 132 W. Gabilan Street, Suite 102  
Salinas, CA 93902 Salinas, CA 93901  
Telephone (831) 754-5838 www.monterey.lafco.ca.gov

DATE: December 19, 2022  
TO: Chair and Members of the Commission  
FROM: Kate McKenna, AICP, Executive Officer  
PREPARED BY: Darren McBain, Principal Analyst  
SUBJECT: City of Soledad Miramonte proposal – Adoption of a resolution implementing the Commission’s December 5, 2022 decision directing staff to prepare a resolution approving the full 654-acre Miramonte annexation as proposed by the City, subject to revisions to the City’s proposed agricultural mitigation actions and agricultural buffer (*LAFCO file 20-01 – continued from the regular December 5, 2022 LAFCO meeting*)  
CEQA: Environmental impact report and subsequent addendum

**SUMMARY OF RECOMMENDATIONS:**

It is recommended that the Commission:

1. Receive a report from the Executive Officer;
2. Re-open the public hearing, continued from December 5, 2022, and receive any comments from City representatives;
3. Receive public comments;
4. Provide for questions or follow-up discussion by the Commission; and
5. Consider new information received from the property owner and City of Soledad regarding the proposal’s agricultural mitigation actions and agricultural buffer and either
  - a. Adopt a resolution (Attachment 1) implementing the Commission’s December 5, 2022 decision directing staff to prepare a resolution approving the full Miramonte annexation with revisions to the City’s proposed agricultural mitigation actions and agricultural buffer, or
  - b. Continue this agenda item to the regular January 23, 2023 LAFCO meeting if the Commission finds the new information to be inadequate.

**EXECUTIVE OFFICER’S REPORT:**

**Overview**

This agenda item brings forward new information implementing the Commission’s December 5, 2022 resolution of intent to approve the City of Soledad’s Miramonte annexation, subject to revisions to the City’s proposed agricultural mitigation actions and agricultural buffer. The Miramonte proposal would accommodate future development of up to approximately 2,392 residential dwellings, 100,000 square feet of commercial/retail space, and related public uses.

On December 5, 2022, the Commission held a public hearing on the City’s proposed Miramonte sphere of influence amendment and annexation. Staff recommended that the Commission 1) approve the sphere amendment and 2) continue the public hearing on the annexation for the purpose of requiring revisions



to the proposal to achieve consistency with LAFCO policies. Staff's main recommended revisions were to reduce the proposed annexation's developable area by approximately 50% and to require agricultural mitigation actions to be identified and fully carried out prior to completion of the annexation process, to fully offset the project's impacts on agricultural lands. Staff also recommended increasing a portion of the proposed agricultural buffer, and requiring both the agricultural buffer and a hillside open space easement to be recorded as part of the annexation process.

At the end of the December 5 agenda item, the Commission voted to approve the sphere amendment. The Commission then voted to continue the public hearing on the proposed annexation. The approved motion did not adopt staff's recommendation to reduce the annexation's size and to require the hillside conservation easement to be recorded concurrent with annexation. The motion also did not fully incorporate staff's recommendation to 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 process.

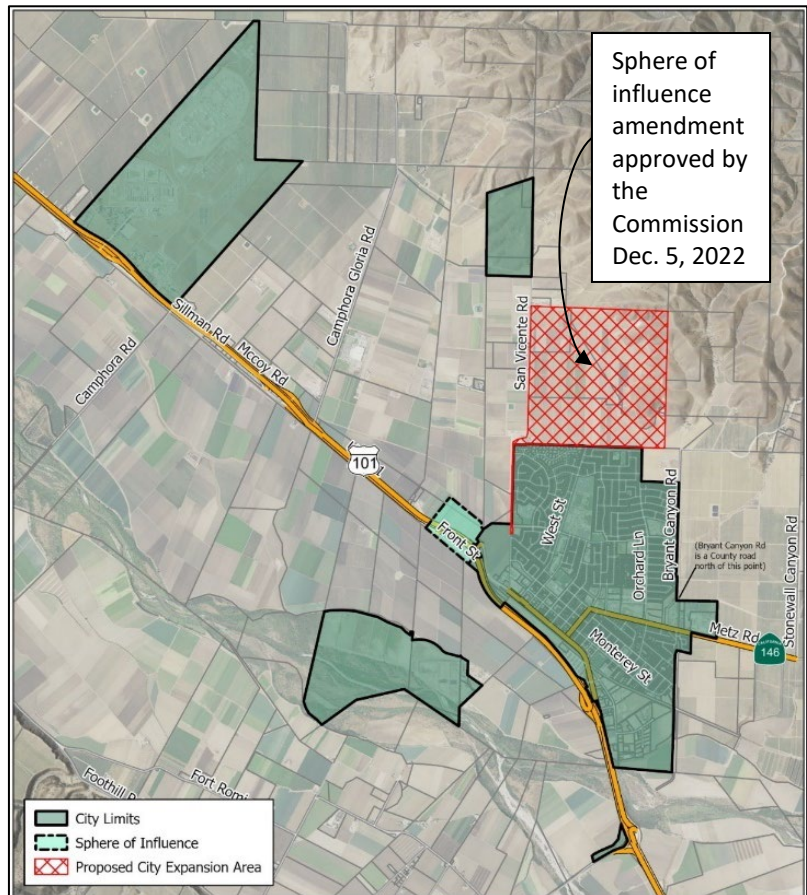
In lieu of adopting staff's recommendations, the Commission adopted a resolution of intent (Resolution 22-16, Attachment 2) directing staff to prepare a new resolution approving the full annexation as proposed by the City,

subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer. The Commission's motion directed these revisions to identify potential conditions of approval relating to these items, to be determined in consultation among the property owner, City representatives, and LAFCO staff.

On December 8, the property owner's representatives Moncrief & Hart submitted a letter to LAFCO identifying several proposed conditions of approval regarding the proposal's agricultural mitigation and buffers. Moncrief & Hart provided a second letter addressing a concern raised at the December 5 meeting regarding lands owned by the Braga family. City of Soledad staff provided a cover letter transmitting the two Moncrief & Hart letters, and expressing a commitment to implement the actions being proposed by Moncrief & Hart. These three letters are combined as Attachment 3.

Staff is bringing this new information forward for the commission's consideration, in response to the direction provided at the Dec. 5 meeting. In summary, staff's review determines that the newly received information identifies modest, incremental improvements to the originally proposed agricultural mitigation actions.

However, the changes would still fall short of staff's recommendations. The revisions conflict with LAFCO's established practice of requiring agricultural mitigation to be fully identified and carried out as part of the annexation process





In staff's view, moving agricultural mitigation decisions out of LAFCO's purview and into a city's post-annexation permitting processes also sets an undesirable precedent for future annexation proposals up and down the Salinas Valley.

Staff's review also concludes that LAFCO would be unable to implement the new information as conditions of approval because the City's mitigation actions would take place after completion of the LAFCO process. These concerns are further described in the Discussion section, below.

## Background

In March 2020, the City of Soledad submitted an application (*LAFCO File #20-01*) requesting that LAFCO approve a proposal consisting of:

- (1) A sphere of influence amendment on approximately 647 acres (later revised to 653.6 acres) encompassing the City's Miramonte Specific Plan area, north of the existing city limits; and
- (2) Annexation of this area into the city, along with detaching these lands from the Mission Soledad Rural Fire Protection District and the Resource Conservation District of Monterey County.

In September 2022, staff determined the City's revised July 2022 application ("third submittal") to be complete and scheduled a public hearing for December 5. At the hearing, staff recommended that the Commission:

- (1) Make determinations pursuant to the California Environmental Quality Act (CEQA) and approve the sphere of influence amendment component of the City's proposal; and
- (2) Continue the public hearing for the annexation and detachment components of the proposal to the regular January 23, 2023 LAFCO meeting, for the purpose of requiring revisions to the proposal to achieve consistency with LAFCO policies.

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 buffers; and
- Affordable housing provisions within the proposal.

Based on these concerns, staff recommended that the project proponents should:

- a) Revise (i.e., reduce) 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 future public facilities and other non-residential sites;
- 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.

These recommendations were further expressed in a presentation made by LAFCO staff at the hearing. LAFCO's economic consultant, Richard Berkson, provided additional input.

At the December 5 public hearing, the Commission also received a presentation from the City of Soledad. Approximately 20 members of the public spoke on the proposal. Most of the public comments had to do with the need for housing, especially affordable housing, in the Soledad area. Questions and comments from commissioners touched on a range of subjects, some of which included LAFCO's role in considering how a proposal will affect availability of affordable housing; the proposed agricultural mitigation and the agricultural buffer on the site's western frontage; and the proposal's effect on Soledad's jobs-housing balance.

At the end of this agenda item, 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, including consideration of potential conditions of approval relating to these items, to be determined in consultation among the property owner, City representatives, and LAFCO staff.

Staff prepared and finalized a resolution of intent documenting the Commission's December 5 direction to prepare a new resolution approving the annexation subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer. Staff has circulated copies of the signed resolution to known interested parties.

## Discussion

### Staff's Recommendations on Agricultural Mitigation and Buffers (December 5, 2022)

In the December 5 Executive Officer's report, staff recommended that the project proponents should comprehensively revise their Miramonte agricultural mitigation plan as follows:

**“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**

Instead of postponing agricultural mitigation to the City's development review process, the project proponents should seek to identify appropriate conservation easement opportunities on nearby farmlands – and/or an in-lieu fee payment to a qualified conservation entity – and bring this information forward for the Commission to consider now, as part of the annexation proposal.

The value of proposed conservation easements and/or in-lieu fees should be roughly equivalent to the estimated “easement value” on the portion of the Miramonte site that is being annexed and is designated by the State of California as Prime Farmland or Farmland of Statewide Significance. The Miramonte site's easement value (i.e., the difference in the land's market value with and without a conservation easement in place on the site) is to be determined through a qualified appraisal. The lands subject to agricultural mitigation requirements should also include lands being annexed for purposes of widening and improving San Vicente Road.

The project proponents should identify proposed conservation easements “adjacent to the Permanent Agricultural Edge/UGB [urban growth boundary] to the east, south and west” – if suitable receiver sites are available – in keeping with the 2016 City-County memorandum of agreement regarding Soledad growth. Alternatively, or in combination with easements, the proposal may include mitigation in-lieu fee payments to a qualified conservation entity to fund future acquisition of conservation easements.

Dedication of conservation easements or payment of in-lieu fees should include administrative costs adequate to administer, monitor, and enforce conservation easements, as determined in consultation with the appropriate conservation entity. Conservation easements should identify two grantees (typically, a qualified conservation entity and the County of Monterey). The project proponents should anticipate that approval of the annexation will include a standard condition of approval requiring that conservation easements be recorded, and/or all mitigation in-lieu fees be paid, prior to LAFCO's filing of a certificate of completion for the annexation.”

### New Information Received from City of Soledad (December 8, 2022)

Shortly after the December 5 LAFCO meeting, City representatives indicated to LAFCO staff their preference to prepare a written statement in response to the Commission's adopted motion before meeting with LAFCO staff. The City provided correspondence (Attachment 3) to staff on Thursday, December 8 as noted in the Overview section above.

To summarize, the new information identifies that the property owners and the City intend to:

- 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.

These actions would all occur at the City of Soledad’s discretion, through the City’s development review processes, following completion of the annexation.

In staff’s view, the additional measures proposed by Moncrief & Hart, and agreed-to by the City, represent modest incremental improvements to the City’s agricultural mitigation actions as evaluated in the December 5 Executive Officer’s report. However, the new information remains fundamentally inconsistent with LAFCO’s established practice of requiring a proposal to identify and carry out conservation easements, and/or mitigation in-lieu fee payments, as well as agricultural buffers now, as part of the annexation process. Ensuring implementation of agricultural mitigation, prior to completion of an annexation, supports LAFCO’s fundamental role of “promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.”<sup>1</sup>

Within the next several years, staff anticipates applications for annexation of substantial farmland outside Gonzales, Salinas, and potentially other areas. Deferring important agricultural mitigation decisions and implementation to the City’s processes, even with the additional assurances identified above, sets a precedent severely constraining LAFCO’s ability to require future annexation proposals to identify and fully implement adequate agricultural mitigation.

#### No Implementable Conditions of Approval Identified in the Proposed Revisions

All of the proposed agricultural mitigation actions would take place after the annexation is finalized and recorded. Once LAFCO records an annexation’s certificate of completion, LAFCO has no role or ability to implement conditions of approval. Therefore, although the proposed revisions are new information that the Commission may consider as a basis for its final decision, the revisions are not potential conditions of approval because LAFCO would have no jurisdiction or control over their implementation.

Staff met with City representatives on December 8 to discuss the proposed revisions. Staff offered several suggestions for potentially viable conditions of approval that the Commission could consider attaching to the annexation. The discussion included the possibility of the property owner offering a mitigation in-lieu fee payment for all or some initial portion of the annexation, and/or the possibility of the City modifying its previous vesting tentative map conditions of approval to incorporate and formalize the revisions being proposed by the property owner and agreed-to in the City’s cover letter. City representatives indicated they would give the matter further consideration. On Monday, December 12, City staff indicated that they wished to proceed with the December 8 proposed revisions as provided in Attachment 3.

#### Draft Resolution Approving the Proposed Annexation

If adopted by the Commission, the attached draft resolution will approve the City’s proposed annexation

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<sup>1</sup> California Government Code Section 56001, Legislative Findings and Declarations

and related detachments from special districts. The draft resolution includes written determinations responding to the Cortese-Knox-Hertzberg Act's statutory criteria. The resolution incorporates the newly received information from the property owner and the City of Soledad regarding agricultural mitigation. However, the new information is not a condition of approval. As discussed above, LAFCO cannot, as a practical matter, approve an annexation conditioned on actions that would occur after the annexation is finalized and recorded.

### **California Environmental Quality Act ("CEQA") Compliance**

The City of Soledad is the CEQA Lead Agency for this proposal. LAFCO is a Responsible Agency with discretionary approval power regarding the proposed sphere amendment and annexation.

In compliance with CEQA, the Soledad City Council certified a Final Environmental Impact Report for development on the Miramonte site in 2010. The City completed additional environmental analysis (an EIR addendum) in 2018 to provide updates addressing changes in the project, baseline physical conditions, and CEQA requirements since the 2010 EIR's certification. The City's proposed annexation is within the scope of the City's two CEQA documents. The full text of the Miramonte proposal's CEQA record remains available on LAFCO's website: [www.co.monterey.ca.us/government/government-links/lafco/current-agenda-and-meeting-packet](http://www.co.monterey.ca.us/government/government-links/lafco/current-agenda-and-meeting-packet)

In approving the City's sphere of influence amendment at the December 5 meeting, the Commission adopted a resolution that included a statement of findings and statement of overriding consideration, supported by substantial evidence, for the project's identified significant and unavoidable environmental impacts. The attached draft resolution, approving the annexation component of the City's proposal, includes provisions re-adopting the previous statement of findings and statement of overriding consideration.

### **Reconsideration**

Should the Commission act to adopt the draft resolution making determinations, any person or affected agency may file a written statement with the LAFCO Executive Officer requesting amendments to, or reconsideration of, the resolution. The person or agency shall file the written request **within 30 days** of the adoption of the resolution. Pursuant to the CKH Act (Government Code section 56895): "The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration."

The Executive Officer shall place the request on the agenda of the next meeting of the Commission for which notice can be given. At that meeting, the Commission shall consider the request and receive any oral or written testimony. At the conclusion of its consideration, the Commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request.

If the Commission disapproves the request, it shall not adopt a new resolution making determinations. If the Commission approves the request, with or without amendment, wholly, partially, or conditionally, the Commission shall adopt a resolution making determinations that shall supersede the resolution previously issued. The determinations of the Commission shall be final and conclusive. No person or agency shall make any further request for the same change or a substantially similar change.

### **Waiver of Protest Proceedings**

The mailed public hearing notices included notification that, as allowed by State law, LAFCO intends to waive subsequent Conducting Authority proceedings ("protest hearing,") unless written opposition is received from landowners or registered voters within the area being annexed prior to the close of the public hearing. Staff has received no indications of opposition from landowners of the subject parcels. The area being annexed is uninhabited and thus has no registered voters residing within it.

## Conclusion

The Commission's December 5, 2022 actions directed staff to prepare a new resolution for approval of the full annexation, as proposed by the City of Soledad, subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer. Written determinations in the attached draft resolution reflect the Commission's December 5 discussion and action, as well as the new supplemental information received from the property owner's representatives and City staff in response to the Commission's December 5 actions.

Adoption of the attached draft resolution, which references the additional information provided by the property owners and the City, would effectuate the Commission's December 5 decision to approve the Miramonte annexation. However, deferring important agricultural mitigation decisions and implementation to the City's processes is inconsistent with LAFCO's established practices and will be precedent-setting for other future annexation proposals.

If the Commission find the new information to be inadequate, staff recommends that the Commission continue this agenda item to the regular January 23, 2023 meeting. Such a continuance would allow time for further discussions to potentially identify additional agricultural mitigation actions.

Respectfully Submitted,



Kate McKenna, AICP  
Executive Officer

## Attachments:

1. Draft resolution making CEQA determinations and approving the proposed annexation
2. Commission's Resolution of Intent to approve the full annexation as proposed by the City, subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer, dated December 5, 2022
3. Written correspondence received from Moncrief & Hart (property owner's representatives) and City of Soledad staff, dated December 8, 2022

Note: The City's full application to LAFCO is available on LAFCO's web site:

<https://www.co.monterey.ca.us/government/government-links/lafco/resources>

## CC:

City of Soledad  
County of Monterey Housing and Community Development Department  
County of Monterey Agricultural Commissioner  
Mission Soledad Rural Fire Protection District  
Resource Conservation District of Monterey County  
Salinas Valley Basin Groundwater Sustainability Agency  
Soledad Unified School District  
Ag Land Trust  
LandWatch Monterey County  
Agha Development  
Paul Fleming

Attachment 2.1

# Resolution 22-XX

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 22 – XX

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 6<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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.

- a. Acceptance of maps and/or property descriptions, as needed, by the State Board of Equalization;
- b. 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; and
- c. 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.

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 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing resolution is adopted this 19th day of December, 2022 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ALTERNATES:	Commissioners:
ABSTAIN:	Commissioners:
ABSTAIN:	Commissioners:

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



# Attachment 2.1

## Exhibit “A”

### Statement of Findings and Statement of Overriding Consideration, Pursuant to the California Environmental Quality Act (CEQA)

This exhibit is available on LAFCO's website: [www.co.monterey.ca.us/government/government-links/lafco/current-agenda-and-meeting-packet](http://www.co.monterey.ca.us/government/government-links/lafco/current-agenda-and-meeting-packet)

The full text of this exhibit was included in the December 5, 2022 meeting packet as Exhibit A to Attachment 14.1 (a draft resolution making CEQA determinations and approving the City's proposed sphere of influence amendment).

Exhibit “B”  
Legal Description –  
Area of Annexation

**"EXHIBIT B"**  
**LEGAL DESCRIPTION - AREA OF ANNEXATION**

All that real property situated in the County of Monterey, State of California, being all of "Section 16" of Township 1 South, Range 06 East, Mount Diablo Baseline and Meridian and a portion of "Rancho San Vicente" being more particularly described as follows

**Beginning** at the northeast corner of said "Section 16", also being the northeast corner of "Parcel 2" as shown on the Record of Survey filed June 29, 1995 in Volume 19 of Surveys Page 76, Records of Monterey County, California; thence along the east line of said "Parcel 2" and "Parcel 3" as shown on said Record of Survey,

Course 1. South 00°07'56" East, a distance of 5,236.63 feet to the southeast corner of said "Section 16" and the southeast corner of said "Parcel 3" as shown on said Record of Survey; thence along the south line of said "Parcel 3" as shown on said Record of Survey,

Course 2. North 89°52'11" West, a distance of 3,035.11 feet; thence continuing along said south line of "Parcel 3" as shown on said Record of Survey,

Course 3. North 89°53'30" West, a distance of 2,254.67 feet to the east line of San Vicente Road as shown on the Right-Of-Way Map filed August 25, 1971 in Book O of Right-Of-Way Maps, at page 2379, records of Monterey County, California; thence along said east line of San Vicente Road,

Course 4. South 00°04'37" West, a distance of 40.00 feet to the south line of said San Vicente Road; thence along said south line of San Vicente Road,

Course 5. North 89°55'32" West, a distance of 501.80 feet to a point on the east line of said San Vicente Road; thence along said east line of said San Vicente Road,

Course 6. South 00°12'51" East, a distance of 778.05 feet; thence continuing along said east line of San Vicente Road,

Course 7. South 69°40'13" East, a distance of 10.68 feet; thence continuing along said east line of San Vicente Road,

Course 8. South 00°12'51" East, a distance of 1,373.78 feet; thence continuing along said east line of San Vicente Road,

Course 9. South 89°47'09" West, a distance of 10.00 feet; thence continuing along said east line of San Vicente Road,

Course 10. South 00°12'51" East, a distance of 882.29 feet; thence continuing along said east line of San Vicente Road,

Course 11. North 89°47'09" East, a distance of 10.00 feet; thence continuing along said east line of San Vicente Road,

Course 12. South 45°12'44" East, a distance of 28.29 feet; thence continuing along said east line of San Vicente Road,

Course 13. South 00°12'40" East, a distance of 3.88 feet to the north line of Gabilan Drive; thence along said north line,

Course 14. South 89°47'20" West, a distance of 110.00 feet to the west line of San Vicente Road; thence along said west line,

Course 15. North 00°12'51" West, a distance of 2,961.74 feet to the beginning of a tangent curve to the right having a radius of 1,040 feet; thence leaving said west line,

Course 16. northerly along said curve, through a central angle of 29°38'43"; a distance of 538.10 feet; thence,

Course 17. North 29°25'52" East, a distance of 655.35 feet to the beginning of a tangent curve to the left having a radius of 960.00 feet; thence

Course 18. northerly along said curve, through a central angle of 29°29'09" a distance of 494.04 feet to a point on the west line of San Vicente Road; thence along said west line of San Vicente Road,

Course 19. North 00°03'17" West, a distance of 3,866.96 feet to a point being the intersection of said west line of San Vicente Road, and the elongation of the north line of said "Parcel 1" and "Parcel 2" as shown on said Record of Survey; thence along said elongation and the north line of said "Parcel 1" and "Parcel 2" as shown on said Record of Survey,

Course 20. South 89°20'50" East, a distance of 5,283.08 feet to the **Point of Beginning**.

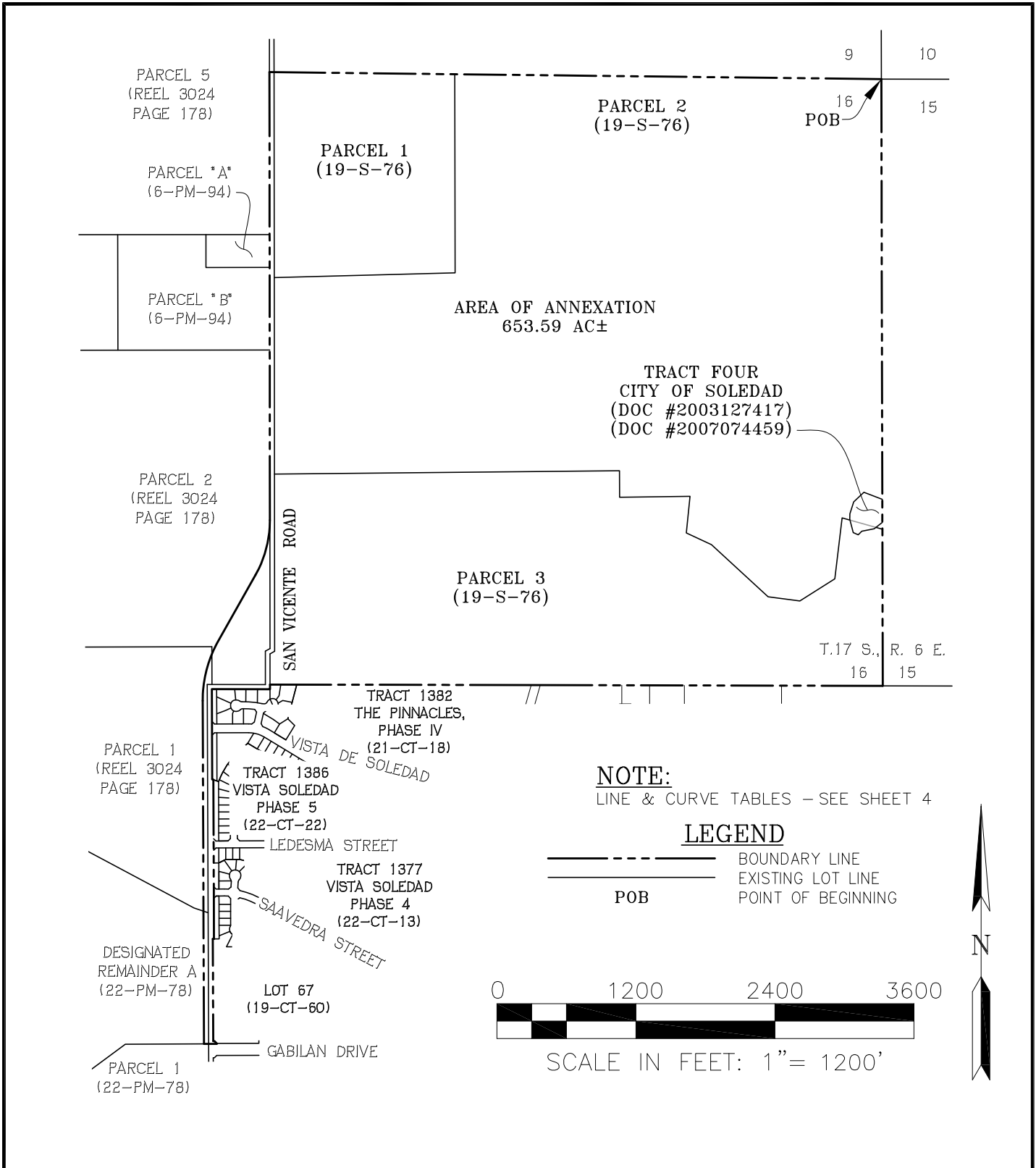
Containing 653.59 acres, more or less.

As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.

This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

\_\_\_\_\_  
Bryan Pierce, PLS 8859      Date



**"EXHIBIT B"**

BEING ALL OF "SECTION 16" OF TOWNSHIP 1 SOUTH, RANGE 06 EAST, MOUNT DIABLO BASELINE AND MERIDIAN AND A PORTION OF "RANCHO SAN VICENTE" SITUATED IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

SHEET 1 OF 4



**RUGGERI-JENSEN-AZAR**

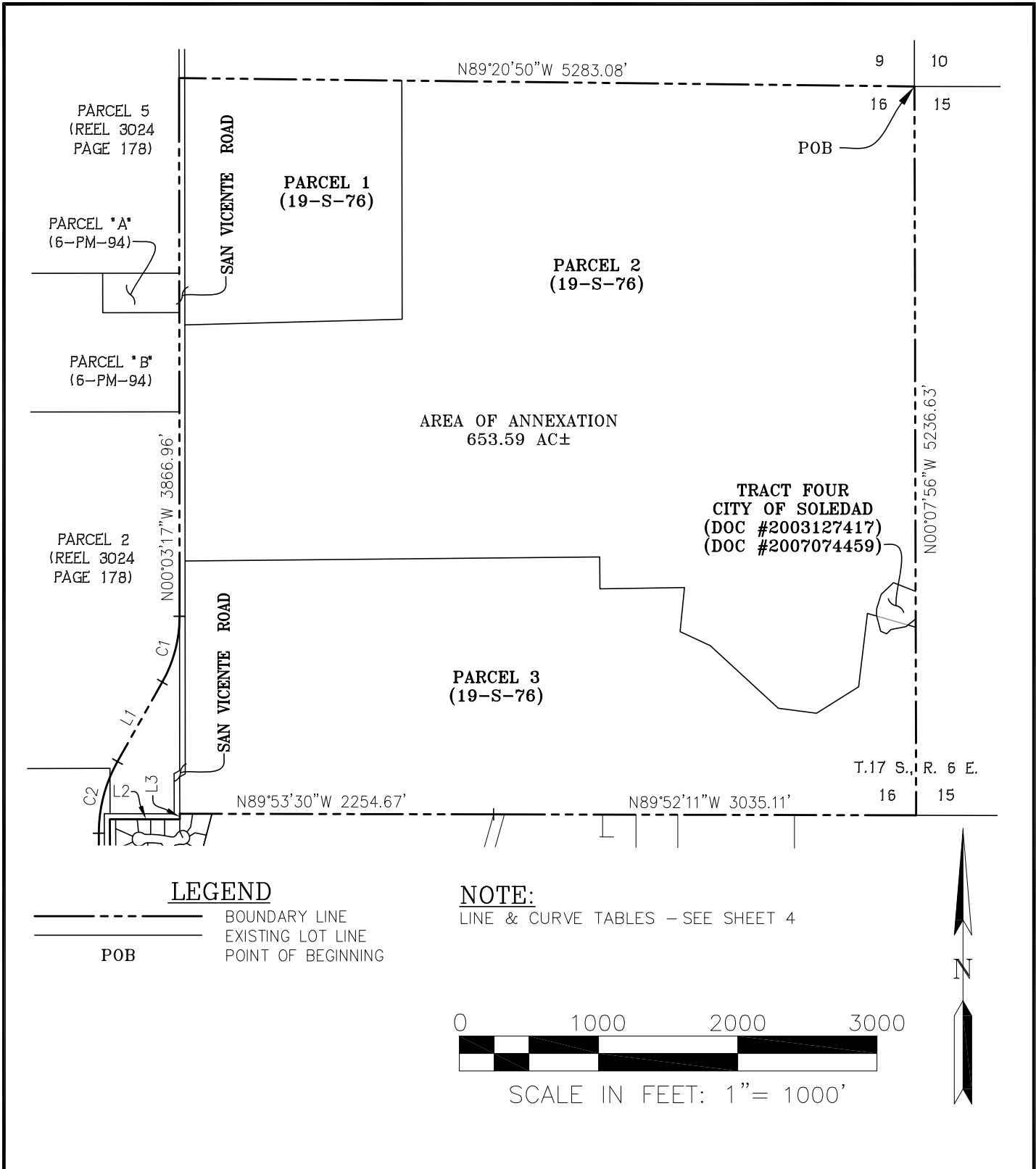
ENGINEERS • PLANNERS • SURVEYORS

8055 CAMINO ARROYO GILROY, CA 95020  
PHONE: (408) 848-0300 FAX: (408) 848-0302

SCALE:  
1" = 1200'

DATE:  
09/17/2021

JOB NO.:  
202015



**LEGEND**

- BOUNDARY LINE
- EXISTING LOT LINE
- POB POINT OF BEGINNING

**NOTE:**

LINE & CURVE TABLES - SEE SHEET 4



SCALE IN FEET: 1" = 1000'



**"EXHIBIT B"**

BEING ALL OF "SECTION 16" OF TOWNSHIP 1 SOUTH, RANGE 06 EAST, MOUNT DIABLO BASELINE AND MERIDIAN AND A PORTION OF "RANCHO SAN VICENTE" SITUATED IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

SHEET 2 OF 4



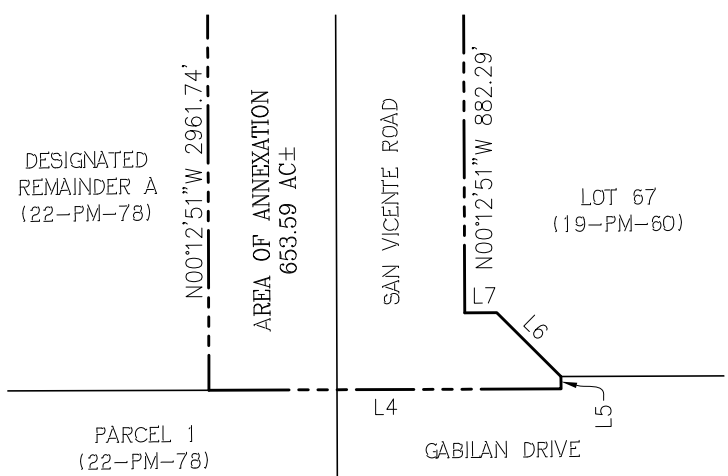
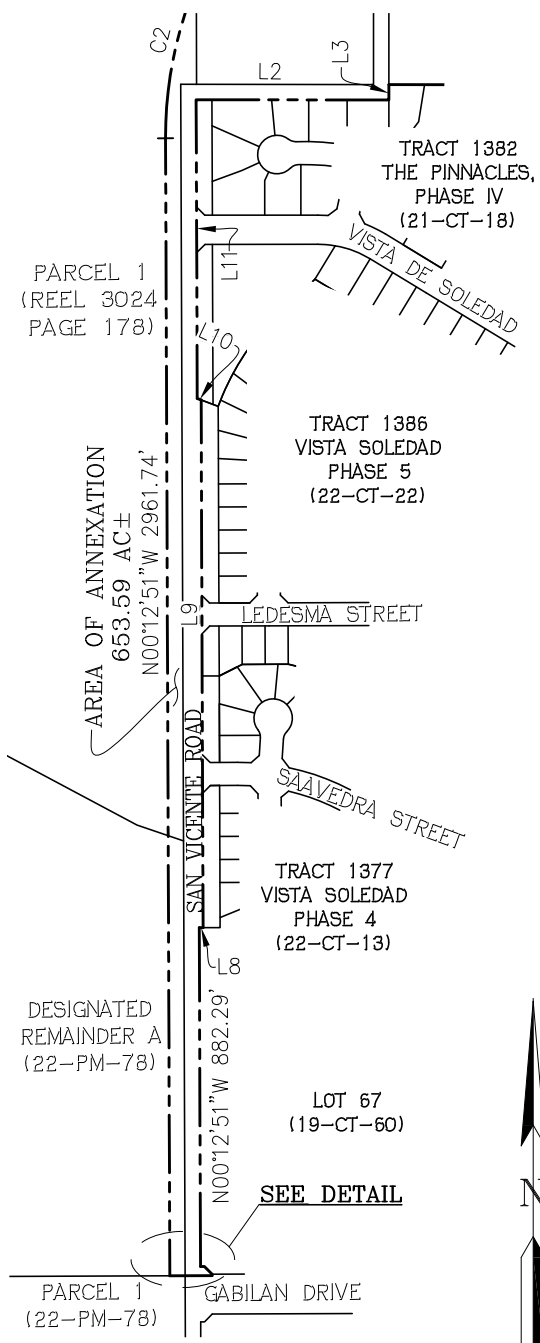
**RUGGERI-JENSEN-AZAR**  
 ENGINEERS • PLANNERS • SURVEYORS

8055 CAMINO ARROYO GILROY, CA 95020  
 PHONE: (408) 848-0300 FAX: (408) 848-0302

SCALE:  
 1" = 1000'

DATE:  
 09/17/2021

JOB NO.:  
 202015

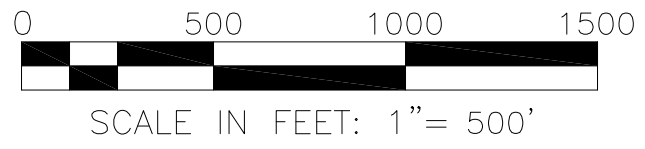


**DETAIL:**  
1"=60'

**NOTE:**  
LINE & CURVE TABLES - SEE SHEET 4

**LEGEND**

--- BOUNDARY LINE  
 --- EXISTING LOT LINE  
 POB POINT OF BEGINNING



**"EXHIBIT B"**

BEING ALL OF "SECTION 16" OF TOWNSHIP 1 SOUTH, RANGE 06 EAST, MOUNT DIABLO BASELINE AND MERIDIAN AND A PORTION OF "RANCHO SAN VICENTE" SITUATED IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

SHEET 3 OF 4



**RUGGERI-JENSEN-AZAR**  
 ENGINEERS • PLANNERS • SURVEYORS  
 8055 CAMINO ARROYO GILROY, CA 95020  
 PHONE: (408) 848-0300 FAX: (408) 848-0302

SCALE:  
1"= 500'

DATE:  
09/17/2021

JOB NO.:  
202015

LINE TABLE		
LINE	BEARING	DIST
L1	N29°25'52"E	655.35'
L2	N89°55'32"W	501.80'
L3	N0°04'37"E	40.00'
L4	N89°47'20"E	110.00'
L5	N0°12'40"W	3.88'
L6	N45°12'44"W	28.29'
L7	N89°47'09"E	10.00'
L8	N89°47'09"E	10.00'
L9	N0°12'51"W	1373.78'
L10	N69°40'13"W	10.68'
L11	N0°12'51"W	778.05'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	494.04'	960.00'	029°29'09"
C2	538.10'	1040.00'	029°38'43"

**"EXHIBIT B"**

BEING ALL OF "SECTION 16" OF TOWNSHIP 1 SOUTH, RANGE 06 EAST, MOUNT DIABLO BASELINE AND MERIDIAN AND A PORTION OF "RANCHO SAN VICENTE" SITUATED IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

SHEET 4 OF 4



**RUGGERI-JENSEN-AZAR**

ENGINEERS ■ PLANNERS ■ SURVEYORS

8055 CAMINO ARROYO GILROY, CA 95020  
 PHONE: (408) 848-0300 FAX: (408) 848-0302

SCALE:  
NONE

DATE:  
09/17/2021

JOB NO.:  
202015



Attachment 2.2

Resolution 22-16  
Resolution of Intent

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 22 – 16

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

On December 5, 2022, the Local Agency Formation Commission held a public hearing on the City of Soledad's proposed Miramonte sphere of influence amendment and annexation. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Commission hereby finds and decides as follows:

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 set a public hearing for December 5, 2022; and

WHEREAS, on December 5, 2022, after reviewing all the evidence in the record and hearing public testimony, the Commission adopted a resolution that 1) considered and adopted, as a responsible agency, the City of Soledad's Statement of Findings Required by CEQA and Statement of Overriding Considerations, and 2) approved the City's proposed sphere of influence amendment; and

WHEREAS, at the December 5 meeting, a majority of the commissioners adopted a motion 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 proposed annexation, subject to revisions to the City's proposed agricultural mitigation actions and agricultural buffer, including consideration of potential conditions of approval relating to these items, to be determined in consultation among City representatives and LAFCO staff; and

WHEREAS, the Commission has considered the following information, among other evidence, prior to acting on this resolution of intent:

1. The LAFCO Executive Officer's report for the City's Miramonte proposal;
2. The Final Environmental Impact Report and subsequent addendum prepared for the proposal by the City of Soledad;
3. The City of Soledad's agricultural mitigation plan (provided by web link within the Executive Officer's report);
4. A 2016 City-County Memorandum of Agreement regarding future Soledad growth (provided by web link within the Executive Officer's report); and
5. Written and oral testimony provided at the December 5 public hearing; and

WHEREAS, the Commission will make its final determinations on the City's proposed annexation and related special district detachments at a continuation of the December 5, 2022 public hearing to be held on December 19, 2022.

**DECISION:**

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby:

1. Incorporates the above recitals by this reference; and
2. Adopts a Resolution of Intent to approve the City's proposed Miramonte annexation, subject to the Commission's consideration of revisions to the City's proposed agricultural mitigation actions and agricultural buffer.

UPON MOTION of Commissioner Lopez, seconded by Commissioner Alejo, the foregoing resolution is adopted this 5th 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, Snodgrass, Kong, 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 5th day of December, 2022

By:   
Kate McKenna, AICP, Executive Officer

Attachment 2.3

# Correspondence



Gateway  
to the  
Pinnacles

**SOLEDAD**  
CALIFORNIA

December 8, 2022

Ms. Kate McKenna, AICP  
Executive Director  
Local Agency Formation Commission of Monterey County  
132 West Gabilan Street, Suite 102  
Salinas, CA 93901

**RE: Miramonte Agricultural Mitigation/Braga Ranch**

Dear Ms. McKenna,

In response to the support of our annexation request that was received on Monday night, and the commission's concern, the City has met with the property owner to discuss possible conditions that could be tied to the annexation. The City accepts and concurs with the attached conditions of approval, presented in the letter from Paul Moncrief dated 12/8/2022. We fully support agricultural mitigation and preservation and will ensure that these conditions for agriculture mitigation are met within the stated timing.

Also attached is a second letter from Paul Moncrief, dated 12/8/22, regarding Braga Farms Attorney, Michael Harrington's request that the triangle property owned by the Braga's, which is within the plan area, be considered for future rezoning. Per Paul Moncrief's letter, the Agha's support this request. The City staff is willing to work with the Braga's to process this request at the appropriate time in the future.

If you have any questions regarding this matter, please do not hesitate in contacting me.

Sincerely,

Bryan T. Swanson  
Community and Economic Development Director

December 8, 2022

File No. 06377.039

Mr. Brent Slama  
City Manager  
City of Soledad  
248 Main Street  
Soledad, CA 93960

RE: Miramonte Agricultural Mitigation

Dear Mr. Slama:

In response to the LAFCO board's request for more information regarding the agricultural mitigation requirements relating to the Miramonte project, HMBY proposes the following:

For background, the Memorandum of Agreement (MOA) between the City and County of Monterey (March 15, 2016) memorialized the City and County's commitment to the preservation of farmlands and the ways that both parties would commit to the disposition and preservation of agriculture. The MOA outlines the ways the City is allowed to grow to meet the needs of its community, working with the County.

There are numerous project mitigation measures and conditions of approval in place that relate to the requirement to mitigate for the loss of Prime Farmland. The Specific Plan includes additional policies and methods for mitigation. Although we are confident that the existing project mitigations and requirements give the City the necessary ability to enforce mitigation for agricultural land conversion, we propose the following Conditions of Approval to the annexation for LAFCO Commission approval:

Proposed Conditions of Approval for the Annexation:

1. **Agricultural Mitigation Methods:** City shall assure that the Project Owner/Developer(s) provide mitigation for conversion of Prime Farmland or Farmland of Statewide Importance to urban uses using one, or a combination of the following four methods, at the discretion of the City and compatible with the City/County MOA:
  - a) Provide the in-kind direct purchase/acquisition of an agricultural mitigation easement at a 1:1 ratio, adjacent to or near an Urban Growth Boundary if feasible, and dedicate the easement to a qualified agricultural land trust or other qualifying entity; and/or
  - b) If available, purchase agricultural banked mitigation credits at a 1:1 ratio from a qualifying entity; and/or





- c) Pay an in-lieu mitigation fee, which amount shall be determined by the City. The amount of the fee should be roughly equivalent to the estimated “easement value” on the portion of the Miramonte site that is being annexed and is designated by the State of California as Prime Farmland or Farmland of Statewide Significance. Said fee shall be kept by the City in a fund established specifically for agricultural land mitigation purposes to be utilized for the purchase of equivalent ag conservation easement(s) or transferred to a qualified agricultural land trust or other qualifying entity; and/or
- d) Implement other innovative approaches, such as the Future Farmers of America parcel dedication, as approved by the City that results in the preservation of agricultural land within areas targeted by the city.

**2. Agricultural Mitigation Phasing/Timing:** The mitigation for agricultural land conversion to urban uses within the Miramonte project shall be implemented in no more than four separate conversion areas. Each conversion area shall include the land required to allow 200-foot temporary, unrecorded agricultural buffers between residences and ongoing onsite agricultural operations, as generally depicted in Exhibit 1. Agricultural mitigation for a subject conversion area shall be approved by the City of Soledad and all related items completed, including recording of the easement and/or payment of fees, prior to the recordation of the first Final Map within the respective conversion area.

**3. Western Agricultural Buffer:** The City will assure that the project provides an agricultural buffer along the Project’s western boundary as shown in Exhibit 2 and described as follows:

- a) A 160’ agricultural buffer easement parallel to San Vicente Road along the western Miramonte boundary, south of where the project abuts the Urban Growth Boundary. See Exhibit 1, attached.
- b) 200’ agricultural buffer easement parallel to San Vicente Road along the western Miramonte boundary, north of where the project abuts the Urban Growth Boundary. See Exhibit 1, attached.
- c) The buffer easements may be separate easement documents, recorded concurrently with the Final Map, or may be created on the applicable Final Map(s), thereby encumbering the properties upon recording of the Final Map.

Note: These Western Agricultural Buffers are separate and apart from any temporary, unrecorded onsite buffers discussed in Item 2 above and shown in Exhibit 1.

In addition, we have determined to remove the Wimer Ranch from consideration as agricultural mitigation. We will proceed as provided in Section 1 above to comply with the mitigation requirements as to any acreage not satisfied by the Franscioni property.

We unequivocally support the preservation of Salinas Valley farmland and believe it is a vitally important component of the proposed development. We also believe these conditions are sufficient to allay any concerns about the agricultural mitigation component of the annexation.



Thank you for your attention to this matter. If you have any questions or comments, please do not hesitate to contact me. I look forward to hearing from you.

Very truly yours,

  
Paul W. Moncrief, Esq.





**NOTES AND LEGEND**

- PROJECT BOUNDARY
- . - . - . LIMIT OF FARMLAND  
(PRIME OR STATEWIDE IMPORTANCE)
- TAKE LIMIT

\* FUTURE FFA PARCEL NOT INCLUDED

1. 200' TEMPORARY BUFFERS ARE REQUIRED BETWEEN NEW HOUSING/BUILDINGS AND THE REMAINING ON-SITE PRIME AG/STATEWIDE IMPORTANCE LANDS
2. AREAS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE BASED ON THE ORDER OF DEVELOPMENT

**AG CONVERSION AREA**

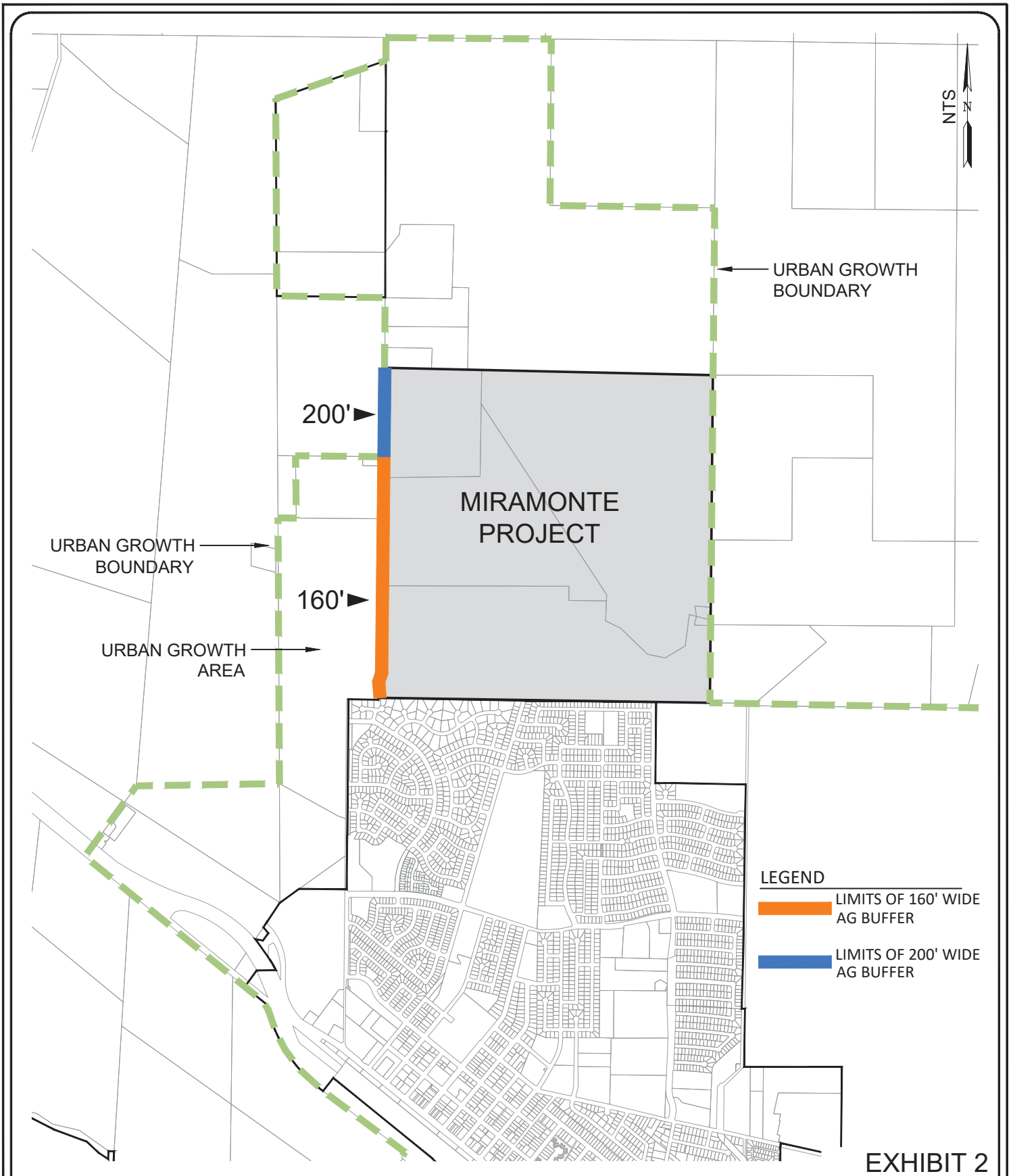
AREA 1	
AREA 2	
AREA 3	
AREA 4	

**EXHIBIT 1**

**MIRAMONTE  
AG CONVERSION AREAS**  
SOLEDAD, CALIFORNIA  
DECEMBER 8, 2022



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**MIRAMONTE  
WESTERLY AG BUFFER WIDTHS**  
SOLEDAD, CALIFORNIA  
DECEMBER 8, 2022



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December 8, 2022

File No. 6377.039

Mr. Brent Slama  
City Manager  
City of Soledad  
248 Main Street  
Soledad, CA 93960

Re: Miramonte / Braga Ranch

Dear Mr. Slama:

The realignment of San Vicente Road at the southwest corner of the Miramonte Specific Plan area, and which is within the City's reorganization request to LAFCO for annexation, will affect property owned by the neighboring Braga Ranch. This includes the roadway realignment corridor, as well as a triangle-shaped 2.5 acres owned by Braga east of the road realignment area.

During the LAFCO public hearing on Dec. 5, 2022, Michael Harrington, attorney for Braga Ranch, stated that because this 2.5-acre triangle will be separated from the rest of the Braga's farming operation, it will effectively be rendered unfarmable. Mr. Harrington requested that this affected land be considered for rezoning in the future.

We fully support a rezoning of this area. In fact, we recently spoke with Rodney Braga, Braga Ranch's principal, and expressed our support and willingness to work with the Braga family on a rezoning that would be favorable to both the Braga operation and the City.

The right of way is anticipated to be required as part of Miramonte phase 3, and we would anticipate this item being processed with the City at that time.

Thank you for your attention to this matter. Please let me know if you have any questions or comments. I look forward to speaking with you.

Very truly yours,



Paul W. Moncrief, Esq.